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A SUMMARY OF STATE LAND USE CONTROLS • JULY 1974

COASTAL ZONE
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Summary of State Land Use Controls -- July 1974
A special report from Land Use Planning Reports

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INTRODUCTION -- WHAT KIND OF LAND USE CONTROLS?

What kind of land use controls and who shall administer them -- locality, state, or Federal government? Those are the difficult, fundamental questions behind land use planning legislative efforts in the country.

From 1922 until recently, authority over the use of land has been largely controlled by local governments. After the U.S. Department of Commerce published a model zoning enabling act in 1922, most states authorized local governments to classify land within the corporate boundaries in land use districts and to regulate the uses. In 1928 the Commerce Department again published model legislation for local planning controls. Again the states adopted the code.

The result a half-century later is that in all states except Hawaii localities and counties have most of the power over land use decisions in the nation. But local control over all land use planning has not always worked. Specifically, experts say, too many projects of more than local significance have not been reviewed for their areawide impact. Too often shabby developments and industries promising a temporary revenue boost to a locality were not assessed for their side effects. Localities and their neighbors were stuck with urban sprawl, traffic congestion, air and water pollution, and loss of prime agricultural lands.

One accepted solution is to transfer land use controls to regional and state levels. Eleven states have now acted to establish statewide land use programs. Typically, state powers over land use have advanced furthest where development pressure is strongest and where natural resources are most threatened.

Hawaii, with a different history, has adopted the strongest state land use controls. Previous territorial status and monarchy gave Hawaii a tradition of centralized land controls. Soon after becoming a state in 1961, Hawaii enacted its land use control program, providing for the zoning of the entire state into urban, rural, agricultural and conservation districts. No other state has enacted such sweeping controls. Vermont has tried, but seems to be failing.

Vermont, fairly typical in that it faced tremendous growth pressures and a threatened loss of natural resources -- its agricultural and recreation lands -- took a tack somewhat similar to Hawaii's. The 1970 Vermont Land Use and Development Law envisaged the state as being zoned into five districts, urban, village, rural, natural, and conservation. Growth and development would be controlled by a permit system. However, growing opposition to the plan in the

legislature in 1974 may turn Vermont toward the more common state program of designating and regulating critical areas and regulating development of regional impact.

The critical areas/regional development approach, created in part by the American Law Institute in its Model Land Development Code, has been adopted most prominently by Florida, Oregon, and Maine. Under the critical areas approach, a state designates areas of statewide concern and reviews local land use decisions affecting the designated areas. To control development of regional impact Oregon and Florida give localities initial approval power for a project based on state standards. The local decision is, however, open to appeal to the state. Critical areas legislation has also been enacted by Colorado, Maryland, Minnesota, Nevada, North Carolina, and Utah.

Other pieces in the piecemeal approach chosen by a number of states include specific limits such as regulating wetland development, power plant siting, surface mining, and subdivisions. Coastal zone management is one of the most extensive of these.

In pursuit of planning grants from the 1972 Federal Coastal Zone Management Act of 1972 -- the grants became available this year -- and under the press of coastal development, 31 eligible states are expected to be developing coastal zone programs next year. Four states, Delaware, California, Washington, and Maine are actively pursuing programs to regulate their coastal zones. Other states, like Hawaii, Florida, and Oregon, have some control over coastal activities inherent in their land use programs.

Other pieces of control are administered by states in their key functions of planning and funding airports, highways, and recreational facilities.

Finally, the Federal government has been and is acting in several key areas:

- Environmental Protection Agency. Programs in air and water quality variously require and mandate states to institute land use controls. For example, as this report was written, EPA was preparing regulations calling for states to put all land in three air-quality zones. Different uses of land would be restricted in each zone depending on the impact of the land use on air quality.

- Flood insurance. The Flood Disaster Protection Act of 1973 requires flood-prone localities to develop land use plans in flood plains to qualify for Federal flood insurance. The states are taking an active role in identifying and regulating the flood plains.

- A Federal land use planning grant program is likely sooner or later. The so-called "Jackson bill" would have provided \$100 million per year for eight years to states to develop land use planning processes. The Senate passed the measure 64-21 in June 1973, but the House refused to consider the bill on the House floor in June 1974. The principal sponsor, Sen. Henry M. Jackson (D-Wash.) promises efforts to get the House to approve some sort of Federal program in 1974. (Many states contacted by LUP Reports say activity in land use controls in their states is tied directly to enactment of a Federal program.)

In this report LUP Reports identifies and describes briefly the programs for and efforts toward land use controls in each of the 50 states.

ALABAMA

Alabama has no comprehensive state land use policy or plan. The Land Use Legislative Committee in the legislature has proposed a bill to establish a study group to develop land use legislation. This year, the legislature passed a Coastal Areas Act to enable Alabama to participate in the Federal Coastal Zone Management Act grants program. The State Planning Division of the Alabama Development Office coordinates and develops statewide planning programs.

- LAND USE POLICY. A bill being pushed by the Land Use Legislative Committee would establish an Environmental Land and Water Management Committee. Under it, a committee consisting of state staff, three House members and three Senate members would report its recommendations to the state legislature in January 1975. The committee would look at the American Law Institute model state land use legislation, other state laws, model development ordinances, etc. and report what it thinks is best for Alabama.

- COASTAL ZONE MANAGEMENT. The Coastal Area Act passed this year established an eight-member board to administer the coastal grants program. The board consists of five agency heads, two county commissioners -- one from each coastal county -- and one appointee of the governor. Alabama is applying for Federal coastal zone planning grants and is eligible for \$92,719 in fiscal 1974.

- FLOOD CONTROL. The two coastal counties, Mobile and Baldwin, have used flood plain zoning authority under 1971 state enabling legislation. Two more counties are expected to institute it.

- WETLANDS. The state prevents the alteration of wetlands and estuaries by refusing to approve Corps of Engineers project applications for projects deemed potentially harmful to the environment.

- POWER PLANT SITING. The Public Service Commission has some little-used authority over power plant siting.

- STRIP MINING. State law regulating strip mining was strengthened last year. It is enforced by the attorney general.

- AGRICULTURAL LAND TAXATION. Alabama has a classified real property tax. It provides a varying ratio of assessment to true land value, permitting different types of property to be taxed differently. This old law was not specifically designed to preserve agricultural land but it still serves that purpose.

- LOCAL LAND CONTROLS. Local and regional planning are covered by Acts 657 and 1126 passed in 1969. The Acts authorize the creation of the State Planning Division and 12 regional planning and development districts. There are no special zoning enabling laws. One county has zoning, and some others have the right to referendum. Some municipalities have zoning authority and are zoned.

ALASKA

The Division of Planning and Research in the Office of the Governor is developing a comprehensive planning process termed a "state strategy." The process will include in large measure planning for land use and transportation. Legislation to implement the process is expected to be developed while the strategy is being worked on and to be introduced into the state legislature in 1975.

The Federal-State Land Use Planning Commission for Alaska, established in 1972 under 1971 legislation, is developing massive data bases and other land use programs.

- LAND USE POLICY. Work on a land use process is under way as part of the state strategy. Consideration of land use questions in Alaska begins with the Federal government, which owns 97% of the state and is disposing of large chunks of it.

Various pieces of Federal legislation provide for (1) the transfer of 103 million acres of the state's 375 million acres to the state; (2) the transfer of 40 million acres to Alaska natives including Aleuts, Eskimos, and Indians, (3) the inclusion of 80 million acres in the National Park, National Wildlife Refuge, National Forest, or Wild and Scenic River Systems and (4) the establishment of the Federal-State Land Use Commission.

The commission has compiled all the available data on Alaska's natural environment, comprising 360 volumes and about 900 overlays. That information is now being boiled down and joined with data on the man-made environment into six regional profiles.

The profiles are being done in a \$720,000 project by the Federal-State Land Use Commission, the state Division of Planning and Research, and the Arctic Environmental Information and Data Center of the University of Alaska. Each profile will be about 200 pages long.

The profiles will be used in developing the state land use strategy.

- COASTAL ZONE MANAGEMENT. It will be incorporated in the land use planning process and will be an integral part of land use planning. The Division of Marine and Coastal Zone Management is presently developing programs to define base level environmental characteristics and to check environmental modifications.

With a 33,000-mile coastline -- longer than that for combined contiguous states -- Alaska is eligible for the largest grant under the Federal Coastal Zone Management Program in fiscal 1974 -- \$720,000.

- POWER PLANT SITING. The state site selection law governs.

- STRIP MINING. The state site selection law covers somewhat.

- AGRICULTURAL LAND TAXATION. Alaska is one of 10 states with a deferred use-value tax. Taxation is based on designated use value. If the use of the land is changed, the full amount of tax that would have been charged without use-value assessment is collected.

- LOCAL LAND CONTROLS. Localities have unlimited authority.

ARIZONA

Attention to land use legislation is divided in Arizona between public hearings on a state land use bill and debate surrounding a Federal land use measure.

The Arizona Environmental Planning Commission (AEPC) is now conducting public hearings throughout the state to gauge public preferences in developing a state land use program. With about half the hearings completed, the commission passed a resolution urging the U.S. Congress to hold field hearings before passing any Federal land use legislation.

In February, the Arizona house passed a resolution by 54-1 opposing Federal land use legislation. The resolution said the Federal bills under consideration would (1) be open to capricious litigation, (2) cause delay in constructive planning, and (3) cause excessive bureaucratic involvement. The Arizona senate did not act on the resolution.

The land use debate is also highlighted by a battle between U.S. Reps. Morris Udall and Sam Steiger of Arizona. Udall, a Democrat, was a leading sponsor of the Federal land use bill, and Steiger, a Republican, was a leading opponent of the bill.

- LAND USE POLICY. The Office of Environmental Planning and the AEPC were created in 1973. Although the Office of Environmental Planning will be the state planning agency, the AEPC has been directed to develop and recommend a state land use plan to the legislature by January 1975.

In January of this year the AEPC presented its guidelines for developing the plan. The report says "the planning process should consist of essentially three distinct phases: (1) Design and development of the plan, (2) implementation of the plan and public education thereof, (3) enforcement of the plan."

The report also says major concerns to be addressed by the recommended plan will include means to protect private property (compensation for less than a complete taking of land has a high priority), means to ensure local-state-Federal coordination, and protection of state interests in regulation of Federal lands (more than 70% of Arizona is Federal lands or Indian reservations).

- POWER PLANT SITING. Power companies must file a 10-year plan with a special interagency committee. The committee, made up of representatives from several state agencies and public representatives, then reviews the plans for environmental protection. The committee can require compliance with local plans and ordinances.

- AGRICULTURAL LAND TAXATION. Beginning this year the Dept. of Revenue will oversee land valuation assessments made by local assessors. State overview (in effect for several years) eliminates inequities by ensuring consistent assessments from county to county. Land is assessed at its market or potential value.

- LOCAL LAND CONTROLS. The Urban Environment Management Act of 1973 put

into effect new planning, zoning, and subdivision regulations for cities and towns. Municipalities may (but are not required) to prepare a comprehensive general plan. Though a plan has no regulatory authority, zoning regulations must conform to the plan or be subject to nullification. An annual report on the plan must be submitted to the local legislature. Traditional zoning and subdivision regulations are used, but site plan review and planned unit development are possible through designation of areas as conditional use zones.

Counties must prepare long range comprehensive plans, but they are general in scope and zoning regulations do not have to conform to the plan. Though zoning is a local option, once established it is hard to change.

Because of abuses in the financing of new community development, the General Improvement Districts Act of 1973 now governs the development of new communities. This requires a comprehensive plan indicating staging and rate of development, estimated cost of development and improvements made, and proof of developers' competence.

ARKANSAS

A major committee appointed by the governor is currently working on state land use problems. The committee will recommend either comprehensive legislation or specific solutions for particular problems. The report is expected in October. The legislature meets again in 1975. The major land use problem now is siting of huge electrical power plants. A 1973 act titled "Utility Facility Environmental Protection Act" is the vehicle used in siting.

- LAND USE POLICY. On May 7, 1973, Gov. Dale Bumpers appointed a 44-member advisory committee to identify land use problems and to propose solutions. Public hearings have been held throughout the state. Joe Yates, manager of Land Use Management, says the committee may not put its recommendations in legislative language. Instead the committee may offer suggestions on solutions to specific problems.

- POWER PLANT SITING. To build a power plant, a company must obtain a Certificate of Environmental Compatibility from the Arkansas Public Service Commission (PSC). The applicant must describe the facility, its need, its cost, alternative locations and environmental impact. State agencies, localities, and citizens are given an interval for statements and public hearings. Then the commission makes its decision based on (1) need for the facility, (2) whether the facility is in the public interest, (3) the environmental impact, and (4) conformity to local, state, and regional laws.

An initial test of the law results from the largest coal-fired generating plant under consideration anywhere in the nation. The PSC found the plant deficient on 137 counts. Discussions and filings of reports are continuing.

- STRIP MINING. An act of the legislature requires strip miners to establish escrow accounts for reclaiming stripped land. Strip mining is no longer a large industry in Arkansas.

● AGRICULTURAL LAND TAXATION. Arkansas has present use-value assessment. However, Yates said most assessors value land on its potential highest use.

● LOCAL LAND CONTROLS. Arkansas has standard zoning enabling legislation enacted in the 1930s. Yates said no counties yet are zoned, though one county recently completed public hearings as a step toward zoning. A great many cities are zoned.

CALIFORNIA

Although California has no single comprehensive land use process or plan, state officials say several programs would meet 75% of the state's requirements under the Senate-passed Federal land use bill (the Jackson bill). The best known of these programs is the California Coastal Zone Conservation Act of 1972 that requires permits for development along the coast.

The legislature this year is considering a comprehensive land use bill, AB 2978, and a bill for nominating areas of critical concern, AB 2979. Strong opposition faces each bill.

Gov. Ronald Reagan signed into law May 20 the nation's most comprehensive energy conservation program. It included a provision for regulating power plant siting.

● LAND USE POLICY. Several programs and pieces of legislation give California parts of a land use policy. The California coastal act envisages a coastal zone conservation plan submitted to the legislature by Dec. 1, 1975. The 1965 Williamson Act, as amended, is designed to protect agricultural, forest, and open space lands from development. And the California State Planning Act of 1970 directed state agencies to list areas of critical environmental concern and key areas of more than local concern. However, there is no legislation to control such areas.

Some regional control of land use around San Francisco has been granted by the legislature to the San Francisco Bay Conservation and Development Commission.

Another piece of state land use control comes from the California Environmental Quality Act. It requires all agencies of state and local government to prepare environmental impact statements for all public and private projects which may have a significant effect on the environment.

Two pieces of legislation currently being considered would give the state control over critical environmental areas and key developmental areas. They are patterned after the ALI model land use code and the Jackson bill. One is the Comprehensive Planning Bill, AB 2978, which calls for the creation of guidelines for areas of critical state concern. The other is the Environmental Affairs Agency bill to promulgate development guidelines for land around key facilities and in areas of critical state concern.

● COASTAL ZONE MANAGEMENT. The 1972 Coastal Zone Conservation Act created the statewide California Coastal Zone Conservation Commission and six regional

commissions. They are to prepare by 1976 a comprehensive plan for the conservation and management of the state's coastal zone. Each regional commission will develop recommendations for its regional plan and submit it to the state commission by April 1, 1975. The state commission report is due in the legislature by Dec. 1, 1975. In the meantime, no development of practically any kind can take place 1,000 yards inland from the mean high tide line without a permit from the region. The permit process considers adverse environmental effect and compatibility with the proposed Coastal Zone Plan. Appeals to the state commission are allowed. California's share under the Federal coastal zone grant allocation formula is \$495.879 in fiscal 1974.

- POWER PLANT SITING. Power plant siting regulation was included in a comprehensive energy bill enacted May 20. It gives the state power to enforce local rules and regulations and allows the state to overrule localities. Applicants for a power plant would have to propose three alternatives. After an extensive environmental impact statement is filed, the state could certify a site for a permit. The permit would be obtained in a one-step procedure from a new Energy Resource Conservation and Development Commission.

- AGRICULTURAL LAND TAXATION. A bill is in the works to impose a freeze on all prime or potentially prime agricultural lands in California. The freeze is expected to last for two years. While the freeze is on, the state would prepare a food policy emergency plan.

In effect now is the Williamson Act, authorizing cities and counties to contract with agricultural landowners to restrict the uses of their land to certain open space uses. Agricultural lands in this context are defined to include lands devoted to recreation, wildlife, as well as other undeveloped areas. The minimum initial contract term is for 10 years. Local governments can pay landowners directly for the restrictive agreements, but the act intends the primary form of compensation to be property tax relief.

- LOCAL LAND CONTROLS. Localities and counties have full zoning and planning authority. A 1971 law requires compliance with extensive state requirements before subdivision sales can be made.

COLORADO

Gov. Vanderhoof signed a new state law (HB 1041) on May 17 giving the state control over development activities of "statewide interest". Under the law, the state establishes criteria for areas and activities of statewide interest, and the localities must designate and regulate.

- LAND USE POLICY. All local decisions in designating areas and activities of statewide interest and the regulation of these through local land use controls are to be reviewed by the Colorado Land Use Commission (CLUC).

If the CLUC finds that a locality fails to make a reasonable designation, it can ask the locality to reconsider or it can take local officials to court. The legislature killed a proposal to create a board of appeals with power to act on matters of statewide interest when local governments either fail to act or act irresponsibly.

A moratorium on all development activities in an area takes effect once a local government calls for public hearings on a proposal to designate an area. A moratorium also takes effect if the CLUC identifies an area that a locality fails to designate.

Areas of statewide interest include natural hazards (such as floodplains); mineral resources; historical, natural, and archeological resources; and key facilities (airports, highways, water and sewers, utilities).

Activities of statewide interest include siting of water and sewer facilities, solid waste facilities, airports, mass transit, highways, and utilities; new community development; water projects; and nuclear detonations (tried in the past to free natural gas and possibly to be used in the future to free oil shale).

The broad guidelines set out in the bill will be supplemented with more specific guidelines and criteria developed by nine state agencies. Localities will have 180 days to make designations. The CLUC will report to the General Assembly on Feb 1, 1975, on how well the law is being enforced.

Total funding for the program will be just over \$2 billion. Each of the state's 23 counties will receive \$25,000, and there will be a \$500,000 discretionary fund. The discretionary fund will probably be administered by the Dept. of Local Government in the state's Division of Planning.

● POWER PLANT SITING. The Public Utilities Commission now regulates. Under the new land use bill, power plant siting is defined as an activity of statewide interest and would be reviewed by the CLUC.

● STRIP MINING. The Department of Natural Resources administers a comparatively weak 1969 strip mining law. The law requires an operator to obtain a permit for a fee and to include reclamation plans in the permit application. Performance bonds are set by reference to the estimated cost of reclamation. An operator has three years to complete the reclamation.

● AGRICULTURAL LAND TAXATION. Colorado has a preferential assessment law enacted in 1967. Land used for agriculture for the past two years and classified as agricultural for the past 10 years is assessed on its agricultural use based on its earning capacity. There is no penalty if agricultural land is converted to other uses.

● LOCAL LAND CONTROLS. Colorado has enacted legislation this year (HB 1034) to clarify powers of towns and counties to plan and zone. It defines the powers local governments can use in controlling development, regulating the road construction, protecting wildlife, and more. Cities and counties have been delegated broad zoning and planning powers already.

On the county level, a 1972 law (SB 35), prohibits the sale of any subdivided land before a subdivision has met minimum regulations. The law also requires each county to create a county planning commission.

Colorado has 13 regional planning commissions. Local planning commissions must refer to the region actions on land use plans, zoning amendments, subdivisions proposals, etc. which have impact on more than the locality.

Colorado's Planned Unit Development Act of 1972 has been little used.

CONNECTICUT

Public workshops and discussion of the state's proposed Plan of Conservation and Development are dominating land use planning activity in Connecticut in 1974. After responses to the proposed plan and consequent revisions, legislative action on the proposed policies is expected next year.

The plan would increase state input in local land use decisions. It is a set of policy statements and maps for the conservation and development of land and water resources. It was released a year ago and has since been the focus of public hearings.

State planning officials say, in response to public reaction, proposed policies for protecting agricultural and open space areas will be strengthened. Possible changes include use of a use-value, rather than potential-value, assessment for open space as well as agricultural areas, and tax concessions for landowners who make land available for public recreation or open space.

• LAND USE POLICY. Connecticut planning officials would like more influence in land use decisions. But Brad Chase, Office of State Planning, says, "We aren't sure a statewide plan and controls are an appropriate response." So the Office of State Planning is improving technical assistance to local governments, and through several small administrative actions is increasing coordination of the planning activities of other state agencies. State influence would also increase with adoption of policies included in the proposed Plan of Conservation and Development.

In the plan, land is categorized as suitable for (1) intensive development, (2) permanent open space, and (3) limited development. Proposed statewide policies include use of the plan by localities in reviewing projects and policies; guiding growth by timing and placement of water and sewer lines and encouragement of large-scale developments; designating and protecting critical resources, especially water; and discouraging encroachment on agricultural and forest lands.

• COASTAL ZONE MANAGEMENT. Connecticut is eligible for a Federal grant of \$126,934 in fiscal 1974. The program will emphasize local participation in decision-making and controls.

A forerunner of the CZM program is the Long Island Sound Regional Study by the New England River Basins Commission. The study will produce an inventory of waters and lands of Long Island Sound. The data base available to localities will reduce duplication of information by state agencies.

Related programs include an inventory of all wetlands under 1969 legislation. Dredging and most development in coastal wetlands is prohibited. The Inland Wetlands and Water Courses Act of 1972 regulates development of inland wetlands. Where developments are denied, land is reassessed at a reduced value. The commissioner of environmental protection, who administers wetlands legislation, also approves flood plain development.

• POWER PLANT SITING. Localities now regulate the location of power plants and transmission lines. But under the Public Utility Environmental Standards Act of 1972, the Power Facility Evaluation Council must approve environmental impact. Local siting decisions may also be appealed to the council.

● AGRICULTURAL LAND TAXATION. A differential assessment law was enacted in 1963 and amended in 1972 to authorize collection of a conveyance tax when designated land is sold or changed to a higher use. Farmland, forests, and open space land are assessed at current value. If sold within 10 years from initial acquisition or classification, the conveyance tax is imposed in addition to a realty transfer tax, and is based on the total sale price. The conveyance tax is 10% if land is sold within the first year of classification, 9% if sold within two years, and so on. There is no conveyance tax after 10 years.

● LOCAL LAND CONTROLS. In addition to traditional zoning and subdivision regulations, municipalities may prepare a community development action plan (CDAP) including elements for social, economic, and physical development. CDAP agencies, however, have no regulatory authority. A 1969 statute instituted a statewide building code.

DELAWARE

Delaware has several programs governing land use along its coast, but nothing has been done or is expected to be done this year in the way of statewide land use planning.

● LAND USE POLICY. None exists at the state level. However, the appointment of a committee called Delaware Tomorrow is expected soon. The committee would look at future growth, development, and land use needs.

● COASTAL ZONE MANAGEMENT. Delaware has been active, and it is the only state banning new heavy industry within two miles of the coast. A number of bills to amend and repeal the 1972 Delaware Coastal Zone Act have been proposed this year, but are not expected to pass the legislature before it closes July 1. The act also calls for the drafting of land use plans for the coast. This has been done only partially, according to the State Planning Office. No overall map of the coast has been completed, but a map designating where industry would locate was completed and rejected by the Coastal Zone Industrial Control Board.

The act bans all heavy industry and port or dock facilities within two miles of the shoreline. It requires a permit from the State Planning Office for all other manufacturing uses or expansion. In reviewing permit applications, the following must be considered: Environmental impact, economic effect, effect on neighboring land uses, effect on county and city comprehensive plans, and more.

The 1972 Beach Protection Act gives state review powers up to 1,000 feet from the low water mark, including authority to designate "no construction" zones seaward of dunes. Localities retain authority inland from dunes.

A Coastal Zone Management Act was defeated last year. It has been reintroduced into the legislature this year, but is not expected to pass. It would require preparation and adoption of a coastal zone plan, including controls over residential and commercial development.

● WETLANDS. A 1973 wetlands law established a permit system for the use of any wetland in the state.

- POWER PLANT SITING. A bill has been introduced in the 1974 legislature.
- AGRICULTURAL LAND TAXATION. Delaware enacted a preferential assessment law in 1968. Land must be at least five acres in area, have been used for agricultural (or forest) use for the two preceding years, and gross sales must have averaged at least \$500 for the last two years to qualify for assessment on its use value. There is no penalty on change of land use.
- LOCAL LAND CONTROLS. Each County has its own planning and zoning authority and each county has a planning and zoning commission. A regional commission made up of two Pennsylvania counties, one Maryland County, one New Jersey county, and a Delaware county has little substantive authority. Newcastle County has several Planned Unit Developments (PUDs).

FLORIDA

Florida's statewide land use policy was instituted by the Florida Land and Water Management Act of 1972. It gives the state considerable control of critical areas and development of more than one-county interest. The 1974 legislature adopted a land use policy, but failed to approve numerous other pieces of legislation to implement it.

- LAND USE POLICY. The land and water management act, setting up Florida's land use policy, concentrates on areas of critical state concern and developments of regional impact. Areas of critical concern are designated by the governor and cabinet on the recommendation of the Division of State Planning in the Department of the Administration. No more than 5% of the state can be so designated. Areas of critical state concern are environmental, historic, natural areas of more than local importance; major public facilities; and areas of major development potential. After an area is designated, localities write land development regulations based on state guidelines. After the regulations are approved by the state, localities administer them subject to state review.

In July 1973, the state adopted guidelines and standards for identifying developments of regional impact. In general such developments would be those having a substantial effect upon the health, safety, or welfare of residents in more than one county. When an application for a development permit is made to a locality, the locality must insure that the project conforms to the state development plan.

The act also designates the governor and cabinet as the Land and Water Adjudicatory Commission to hear appeals by local governments of development orders for both critical areas and regional impact developments.

An Environmental Land Management Study, made up of 15-members appointed by the governor and the leaders of the Senate and House, continues to study and make recommendations for proposed legislation.

A 1972 bond issue gave the Department of Natural Resources \$240 million to acquire land or development rights in environmentally endangered areas.

The 1973 legislature named the Big Cypress area as an area of critical state concern, granted state regulatory powers, and appropriated \$40 million for state acquisition. The Big Cypress bill is in addition to the 5% critical area limit and the \$240-million bond issue.

The 1974 legislature adopted a 10-page resolution on a state growth policy that said the state will not as a policy stimulate growth, but will plan for what growth develops. The additional legislation to carry out that policy and killed by the Senate included bills to require cities and counties to formulate comprehensive plans based on the population carrying capacity of each area, initiate and inventory the state's resources, establish a statewide building code, protect wetlands, condemn land to prevent development, and authorize impact fees for developers and new residents to pay for new public facilities.

- COASTAL ZONE MANAGEMENT. No comprehensive state coastal zone regulatory powers exist in Florida, but the state's advisory coastal coordinating council has planned and classified the entire coastal zone in the "Florida Coastal Zone Management Atlas." Several cooperative projects are now in progress for detailed application of the concepts to regional, county, and local levels of government. Florida's allocation under the Federal CZM grant program is \$362,062 in fiscal 1974.

In other coastal related programs, oil and gas leasing is prohibited within a mile of the coast. And construction setback lines are established by the Department of Natural Resources near open beaches.

- WETLANDS. Wetlands protection legislation did not pass in the 1974 legislature.

- POWER PLANT SITING. Power plants and related facilities are subject to one-stop state certification under a 1973 law.

- AGRICULTURAL LAND TAXATION. Florida law allows for preferential assessment for agricultural lands. Owners of outdoor recreational or park land may convey development rights to the county board or owners may covenant with the county board to keep the land for recreational or park purposes for ten years. Under those conditions the land is taxed on its use value.

- LOCAL LAND CONTROLS. Counties and municipalities had received piecemeal authority to plan and zone until 1968 when changes in the constitution gave full zoning and planning authority to all counties and localities. A state official said only about half the counties have adopted planning and zoning procedures. A measure to require cities and counties to develop comprehensive plans was killed in the 1974 legislature, mainly from pressure from rural counties. Regional planning agencies were established by the Land and Water Management Act of 1972 and came into being July 1, 1973. Development of regional impact is subject to review by the regional agencies.

Three pieces of 1974 legislation affect regional agencies and localities. (1) SB 1100 appropriated \$895,000 for regional planning agencies, double the amount the year before. (2) SB 504 enables cities and counties to obtain water from outside their jurisdictions. And (3) HB 2730 is intended to insure that municipal services are extended immediately to annexed areas.

GEORGIA

Legislation to regulate development in the state's "vital areas" was proposed by a 15-member Vital Areas Council created in 1973, but the legislation died in the 1974 legislature. The Atlanta Regional Commission does have authority to plan for use of land along the Chattahoochee River corridor.

- LAND USE POLICY. There is no statewide land use policy. For the coastal zone, the Office of Planning and Research of the Department of Natural Resources is preparing a management plan. The vital areas bill defeated this year, HB 1677 and SB 557, would have designated mountains, three rivers, a 2,000-foot-wide strip on river banks and along the coast, and airports as vital areas. It would have provided standards and criteria to evaluate development in those areas. Localities would have developed land use plans and ordinances consistent with the state plan. A commission composed of state and local officials and private citizens would have reviewed the local ordinances. Supporters are optimistic about next year.

- COASTAL ZONE MANAGEMENT. A comprehensive planning program has been analyzed. Tentative work programs for two alternative management approaches have been drawn up -- one for a minimal management approach and one for comprehensive management. A decision on which final plan to use will be made by Gov. Jimmy Carter.

Georgia's allocation under the Federal Coastal Zone Management Program for fiscal 1974 is \$125,033.

- WETLANDS. The Coastal Marshland Protection Act of 1970, as amended, requires a state permit for dredging, draining, removing or altering marshlands within an estuarine area. The Department of Natural Resources can also develop rules and regulations and institute court action to enforce the act.

- POWER PLANT SITING. No specific law. Public Utilities Commission issues permits.

- AGRICULTURAL LAND TAXATION. No preferential assessment.

- LOCAL LAND CONTROLS. Localities and counties have full authority under the state constitution to zone and plan. There are 18 area planning and development commissions covering three to six counties each. The commissions have varying amounts of planning authority over counties. They have usually concentrated on development and have received no state funding.

A 1972 law gives the Atlanta Regional Commission authority to plan for the Chattahoochee River corridor. The plan will have the force of law and must meet floodplain protection standards written in the act. The state plays no direct role, but a regional commission subject to state guidelines does.

HAWAII

Hawaii enacted the first state land use program in the nation in 1961.

It is still the strongest. Unlike mainland states, which delegated land use powers to local governments in the 1920s and 1930s, Hawaii has a tradition of central (territorial) government. The entire state is zoned by the state Land Use Commission into one of four categories: Urban, rural, agricultural, and conservation. Legislation this year to develop a general land use policy and designate and protect critical areas was delayed while the state takes a long look at a proposed growth plan for the period 1974 to 1984.

• LAND USE POLICY. The land use program is run for the most part by the state Land Use Commission (LUC) consisting of seven private citizens, the director of the Department of Land and Natural Resources, and the director of the Department of Planning and Economic Development. The four types of districts determine how land use is regulated.

(1) Urban district. It consists of all urban land and reserve land to accommodate urban growth for 10 years. County zoning regulations determine uses permitted. However, rezonings of agricultural land, for instance, to urban lands are done by the LUC.

(2) Rural district. Also includes low-density residential development of half-acre lots. Classification has been used sparingly. LUC regulations determine land uses in this district.

(3) Agricultural districts. The main motive behind Hawaii's land use law was to protect agricultural land, on which the state's economy was and is based, from an economic boom that had already begun. Prime agricultural lands cover about 400,000 of the state's 4 million acres. However, agricultural districts include many more acres of cropland, grazing land, and sugar mills and other agricultural industries. LUC regulations also govern use of agricultural lands.

(4) Conservation districts. The Board of Land and Natural Resources, the governing body of the Department of Land and Natural Resources, regulates the use of land in conservation districts.

A general land use policy is being held in abeyance while a growth policy is studied. The state Department of Planning and Economic Development has completed a Growth Policy Plan for the next 10 years. The legislature this year appointed an interim legislative committee to refine the growth plan. It will then become the basis for future land use policy legislation.

• COASTAL ZONE MANAGEMENT. Hawaii's basic land use law includes protection for coastal zones including designation of conservation areas along the coast. 1973 legislation requires development of a coastal zone plan by the Department of Planning and Economic Development for management of Hawaii's coastal lands. The state's allocation under the Federal Coastal Zone Management Program for fiscal 1974 is \$110,206.

• POWER PLANT SITING. No special law.

• AGRICULTURAL LAND TAXATION. This is bound into the 1961 land use law, as amended in 1967, 1969, and 1973. It provides for differential assessment of agricultural lands, golf courses, and residences of certain senior citizens in any of the four districts. Different formulas are placed in different districts, but basically the landowner pays taxes based on agricultural use value. Agreements can be made for periods of 10 or 20 years. If the landowner should

take his land out of agricultural use, then he would have to make up the taxes he did not pay in the 10- or 20-years period. The difference will be based on the highest and best use.

- LOCAL LAND CONTROLS. The state has most zoning authority. However, the four counties do have planning and zoning powers. Land uses in urban districts are determined by county zoning regulations. Both the county and the state must approve change in uses to urban.

IDAHO

Idaho has no statewide land use planning policy or program. However, four pieces of legislation were killed this year that would have begun a comprehensive land use program. The state Senate vote to kill the legislation was a close 18-17. Land use planning supporters think they can gain support for next year in November's statewide elections.

- LAND USE POLICY. None. Four land use related bills were killed this year. They were: S 1434 requiring planning and zoning in all cities and counties; S 1328 providing state planning assistance; S 1376 providing for state review of facilities of regional impact; and S 1377 providing for designation and protection of critical areas.

Before the legislature killed the bills, the Idaho government undertook an extensive statewide campaign for support. Thirteen hearings were held. A movie starring the governor was shown numerous times in Idaho and outside the state.

- POWER PLANT SITING. No specific law. Public Utilities Commission approves permits.

- STRIP MINING. Idaho has a weak strip mining law. Most mining in Idaho is deep pit.

- AGRICULTURAL LAND TAXATION. Idaho has no specific law authorizing differential assessment. However, a 1971 law provides that actual use of land will be a major consideration when determining the market value of land.

- LOCAL LAND CONTROLS. Cities and counties have full authority to plan and zone. S 1434 would have required local planning and zoning. Regional commissions are authorized by the state, but final authority rests with cities and counties.

ILLINOIS

Illinois has no statewide land use program and policies, and none are envisaged in the near future. State officials say there is still plenty of available land for new suburbs, and agricultural lands are so large citizens are not concerned about development on them. Control over coastal land bordering Lake Michigan is being tackled.

• LAND USE POLICY. None at present, and none foreseen soon. Legislation has been introduced as follows: State Land Use Planning and Management Act, HB 1123, to establish requirement for a land use planning program; Depressed Areas Land Use & Community Development Act, SB 975; and a Land Use Study Commission Act, SB 802.

• COASTAL ZONE MANAGEMENT. The Department of Transportation regulates filling and dredging. The state is creating a park from portions of the land in the two coastal counties, Cook and Lake. Chicago, which covers most of Cook's shoreline, is working on a lakefront development plan. A state bill to create a commission to regulate lakefront development was introduced this year. It would apply to land a quarter of a mile inland. The Federal Coastal Zone Management Program has allocated \$206,007 to Illinois for fiscal year 1974.

• POWER PLANT SITING. The Illinois Commerce Commission issues permits. There is no specific power plant siting legislation.

• STRIP MINING. Illinois strip mining laws do not require returning mined lands to the original contour but do require extensive revegetation. The Department of Mines issues permits and regulates the strip mining industry. A permit is not required if the overburden is less than 10 feet thick. In 1972 Illinois had the largest number of state regulatory employees per number of active mines among the 16 biggest strip mining states.

• AGRICULTURAL LAND TAXATION. Illinois instituted a deferred taxation scheme in 1970 when it amended its constitution. Under the procedure, agricultural land is assessed on the basis of the price the land would bring at sale for farm use. When land is no longer used for agriculture, the person liable for taxes will pay, for the three preceding years, the difference between taxes actually paid and taxes which would have otherwise been required plus 5% interest.

• LOCAL LAND CONTROLS. Counties and cities have full planning and zoning authority. A measure was killed in last year's state legislature to require localities to place greater emphasis on environmental protection in local zoning. Thirteen state-chartered areawide planning agencies exist, mainly in urban areas.

INDIANA

Indiana has no statewide land use policy. A land use planning bill was submitted and withdrawn this year from the legislature when the Federal land use bill was first delayed in the U.S. House of Representatives in February.

• LAND USE POLICY. The Indiana Legislative Council, which assists the legislature in drafting and researching bills, helped draw up a land use bill earlier this year based on the Federal bill sponsored by Rep. Morris Udall (D-Ariz.) and killed by the U.S. House of Representatives. State officials say the House action has probably killed any hopes of passing a state land use bill. The Governor's Land Use Study Commission is not active and has filed no reports.

In a major administrative change, the legislature this year passed a

bill creating a State Planning Service Agency in the governor's office. Presently, state planners work in the Department of Commerce under the lieutenant governor. The new agency begins July 1, 1974.

- COASTAL ZONE MANAGEMENT. Indiana is the only state not applying for fiscal 1974 planning grants under the Federal CZM program. With only 45 miles of coast along Lake Michigan, the Department of Natural Resources didn't think it was worth the trouble to pick up its \$89,677 in Federal funds. Permits, on a discretionary basis, are provided for land fills along the coast.

- POWER PLANT SITING. The state Environmental Management Board is conducting a study to develop power plant siting legislation.

- STRIP MINING. A 1967 law, amended in 1972, requires a surface mining operator to obtain a permit annually. To obtain a permit, the operator must pay a fee plus \$15 per acre, file an adequate performance bond, and submit a proposal for reclamation. Reclamation is to be done concurrently with the strip mining. Regulations specify maximum slope angles during reclamation consistent with intended land uses.

- AGRICULTURAL LAND TAXATION. Agricultural land is taxed on its use value.

- LOCAL LAND CONTROLS. Localities and counties have been delegated full planning and zoning authority by the state. Five out of the state's 92 counties do not have planning organizations. Seventeen substate regional planning districts have been constituted and are expected to be fully operational by the end of the year.

IOWA

An Iowa land use bill passed the state legislature's House but was killed in the Senate this year. Lack of strong leadership for the bill in the Senate caused the defeat.

Dale Cochran (D), minority leader in the House, attributed the defeat indirectly to the failure of Congress to pass a Federal land use act. He recently told a U.S. House of Representatives committee that state legislators "who are not enthusiastic about a land use policy do not feel compelled to move now that Congress is bogged down."

But an Iowa land use bill is expected to be considered again when a new legislature meets in January 1975. The bill will probably resemble the land use measure defeated this year.

The bill considered this year would have enlarged the existing Dept. of Soil Conservation to include land use. Within the new department, a state land use commission would be appointed by the governor. Another intergovernmental advisory commission would also be created.

The state land use commission would formulate broad state guidelines to be approved by the state legislature. County land use commissions would de-

velop local land use guidelines requiring all cities and counties to have comprehensive plans and provisions for implementation.

- LAND USE POLICY. Iowa officials are now directing their efforts toward the development of a comprehensive land use information system. The Office of Planning and Programming has completed a key-word computer retrieval system for all the state's land use related laws.

Iowa State University has also completed a project for the development of an information system for analysis of land areas. The project, covering 20 counties, provides cell-grid (100-ft. x 75-ft. areas) analysis of soil, watersheds, streams, vegetation, political boundaries, and topography. Planning officials say feasibility for use of the system on a large scale looks promising.

An Iowa University project combines digital elements, such as census tract information, with the cell-grid analysis of areas to provide even more information on an area. After completion of the project in June, Iowa planners will compare and evaluate the two projects.

- POWER PLANT SITING. Siting is controlled through local zoning only.

- STRIP MINING. Officials are not very concerned with regulation of strip mining. Most Iowa coal is poor quality and not a target of mining operations. Gov. Robert Ray proposed state funding of \$5 million to establish an experimental research coal mine, but the state legislature killed the bill this year.

- LAND TAXATION. Ninety-five percent of the state is in agricultural production, and state officials claim that this comprises 25% of the grade A, prime agricultural land in production in the nation. Iowa agricultural land comes under a preferential tax system in which it is assessed according to its current use value and net earning capacity. Farmland within municipal boundaries can be taxed at a limited rate only for city street projects.

- LOCAL LAND CONTROLS. Some planned unit developments have appeared near Des Moines, but traditional zoning prevails throughout the state.

KANSAS

Kansas has no statewide land use policy. Two committees are studying the subject.

- LAND USE POLICY. None in effect. A special interim legislative committee from last year has been extended through the summer. An advisory committee on land management made up of state officials, scholars, and citizens is working with the legislative committee. A survey of other states' programs has been completed, and the committees are now contacting groups around the state interested in land use and are attempting to identify land use issues. A state official says that preservation of agricultural land seems the pre-eminent issue although sprawl in the Kansas City, Topeka, Manhattan, Ft. Riley corridor is becoming an increasing problem.

- POWER PLANT SITING. No special law.

● STRIP MINING. A five-year-old law requires reclamation of mined areas. Two counties have been heavily strip mined and those lands, subject to the reclamation regulations, are beginning to grow back. Lands strip-mined more than five years ago have been taken off the tax rolls.

- AGRICULTURAL LAND TAXATION. No special law.

● LOCAL LAND CONTROLS. Localities and counties have full zoning authority. The state is covered by 12 regional planning bodies. Three more are expected. Localities and counties have not given the regional bodies more than advisory powers.

KENTUCKY

Kentucky has no statewide land use policy. However, the legislature did pass a bill this year creating a Land Use Planning Council, which is expected to make its report when the legislature meets for its 1976 biennial session. The council would recommend legislation for qualifying for grants under a Federal land use program.

● LAND USE POLICY. The Land Use Planning Council will consist of 23 members -- 15 appointed by the governor and eight from the governor's executive council. The 15 appointed members, not yet named by the governor, will come from a balance of interests in the commonwealth, including General Assembly members and representatives of social, economic, rural, urban, area development agency, and local interests.

A separate study is being organized to develop a mechanism to balance economic and environmental interests in the state. Funded by the National Science Foundation, it is charged with proposing legislation. It has four subcommittees: land use, transportation and commerce, pollution, and energy.

● POWER PLANT SITING. The legislature this year passed a power plant siting law, HR 438. It requires an application for certification of environmental compatibility. Based on that application, the state rules on compatibility with air and water pollution standards, etc. That report then goes to the Public Service Commission which holds hearings. The commission considers environmental compatibility among other factors in ruling on a permit.

● STRIP MINING. Kentucky spent more money in 1972 (over \$1 million) in regulating strip mining than any other state. Kentucky laws require return of strip mined area to original contour. Reclamation must be done concurrent with the strip mining. Before a surface mining permit is issued, the applicant must have an erosion and silt control plan or a separate drainage permit.

● AGRICULTURAL LAND TAXATION. Kentucky has a use-value assessment with deferred taxation. To qualify, land must have been in agricultural use for at least five successive years. The deferred tax is payable for the two-year period preceeding a land use change. The tax is the difference between a use tax and a tax based on fair cash value.

- LOCAL LAND CONTROLS. Of Kentucky's 120 counties, 70 have planning

commissions. But many of them are not very active, according to state officials. The 16 Area Development Districts, although they have no enforcement authority, are active. Last year they finished interim land use plans for the entire state and completed sewer and water plans.

LOUISIANA

Louisiana has no statewide land use policy. The governor's Office of State Planning is drafting a growth and conservation policy as an initial step toward a state land use plan. The Louisiana Advisory Commission on Coastal and Marine Resources (LACCMR) issued a proposed coastal zone management plan last fall. The state will probably develop its coastal zone management program in the next two years with Federal assistance.

- LAND USE POLICY. No land use legislation has been introduced yet. However the State Planning Office is moving on two fronts in laying the groundwork for land use programs. One front is the growth policy study. Partially completed, the study will suggest state guidelines and policies for critical environmental areas; areas where growth generally should or should not be encouraged; a system for environmental impact assessment; and possible state roles in determining land use patterns, including the development of new communities and the designation of growth areas. The other front is the development of a statewide land use map. Louisiana officials say theirs' will be one of the few states with such a map when it is completed in September. The mapping is jointly funded by the U.S. Interior Department's United States Geological Survey and Louisiana.

- COASTAL ZONE MANAGEMENT. When LACCMR submitted its report, one of its recommendations was that the Louisiana Coastal Commission (LCC) not be given policy direction of the coastal zone program. The report called for a new agency to direct it, charging that the LCC, since it promotes development, could not regulate it at the same time. Nevertheless, Governor Edwin Edwards has chosen the LCC to provide policy guidance for the program.

Three other agencies will be involved: The State Planning Office has applied for the Federal grant (May 1974) and will do the overall planning, the Wildlife and Fisheries Commission will administer permits and regulations, and the Louisiana State University Office of Sea Grant Development will provide the technical expertise.

Louisiana's fiscal 1974 allocation under the Federal CZM program is \$260,179. The actual state coastal zone program will be developed by the above agencies using Federal and state monies in the next two to three years.

- POWER PLANT SITING. No special laws.

- AGRICULTURAL LAND TAXATION. Agricultural land can be taxed on a use-value assessment.

- LOCAL LAND CONTROLS. Localities and parishes have long had local and county zoning authority, which is continued under the new state constitution adopted April 20, 1974. However, state officials say planning in Louisiana is still very new. Eight substate planning districts are active.

MAINE

Maine has no comprehensive land use planning process, but it does have separate programs that taken together constitute elements of a land use program. The most recent program, adopted this spring, provides for the designation and protection of areas of critical concern.

• LAND USE POLICY. The State Planning Office is working from time to time on a state land use policy. However, a statewide plan or policy is not envisaged in the near future. The four separate land use programs:

(1) Site Selection Act requiring a license from the Department of Environmental Protection for any major commercial, residential, or industrial development. Before licensing, the state considers four principal criteria -- financial capacity, traffic, environmental impact, and soil.

(2) Zoning and Subdivision Control for Shoreland requiring communities to adopt zoning and subdivision control for land within 250 feet of major water bodies. Controls have to be at least as rigorous as state proposed ordinances and be completed by June 30, 1974. If local controls are not adopted, the state will impose controls.

(3) Land Use Regulation Commission regulating planning, zoning, and subdivision controls in all unorganized areas, which comprise 51% of the state's land.

(4) Register of Critical Areas Act providing \$30,000 to initiate an inventory of important scenic, scientific, and historic areas, as well as critical natural areas. Within six months of listing, localities will be required to develop plans for the protection of the areas designated. A Critical Areas Advisory Board is being created to assist in identification of critical areas and coordinate their use and protection. The board will probably have its first meeting in July.

• COASTAL ZONE MANAGEMENT. (See the Zoning and Subdivision Control for Shoreland above.) The State Planning Office's Coastal Planning Group is preparing a Coastal Development Plan to be completed by December 1974. Maine is one of the first three states to qualify for grants under the new Federal Coastal Zone Management Program. It received \$230,000. Initial projects have been divided into three elements: (1) Extensive technical analysis of coastal areas, including mapping, inventory, and planning for coastal areas; (2) a study of the effects of development and other activities on the ecological, physical, and historic characteristics of the coastal areas; and (3) a citizen participation program, including a public opinion poll.

• WETLANDS. The 1967 Wetlands Preservation Act gives the State Wetlands Control Board authority to regulate to protect the public interest. A permit for activities requires the approval of both the board and the municipality involved.

• POWER PLANT SITING. Power plant and transmission line corridor siting are subject to approval of the Land Use Regulation Commission in unorganized areas of the state. Siting must comply with provisions of the Site Selection Act in other areas.

● AGRICULTURAL LAND TAXATION. Maine uses deferred taxation. Certain lands, such as agricultural, are taxed on their use value. However, a second assessment is kept on potential value. If the land changes to a higher-value use, part of the difference in the assessment must be paid.

● LOCAL LAND CONTROLS. Counties and municipalities have full zoning and planning authority if they want to use it.

MARYLAND

Maryland enacted legislation this year providing for the designation of critical areas. The state has authority to add to the list of critical areas nominated by localities and can intervene in local regulatory proceedings. A bill to establish a coastal zone management program did not get through the legislature.

● LAND USE POLICY. The critical areas bill, SB 500, was a compromise measure that omitted some powers that Gov. Marvin Mandel lobbied for. These included a provision for state regulation of critical areas and the establishment of a State Land Use Board.

The law will operate as follows:

(1) The Secretary of State Planning will provide definitions of areas of critical concern through advisory guidelines. Areas include critical environmental areas, key facilities, and large-scale development.

(2) Local governments and regional agencies will then identify critical areas and forward their recommendations to the secretary of planning. The bill is silent on whether the state can alter localities' selections of areas. State officials believe they can add areas to the list. The secretary of planning then submits the list to the governor who distributes it to the legislature.

(3) The secretary also forwards recommended regulations for critical areas to the governor.

(4) When localities take a zoning or subdivision action or other action on a critical area, they notify the secretary. The secretary intervenes to the extent he has the right of standing in any judicial or administration process. However, he doesn't have a direct veto power over local decisions.

(5) The secretary has a further control over local actions. He can make recommendations on capital expenditures in a critical area.

● COASTAL ZONE MANAGEMENT. Coastal lands receive no special consideration in the critical areas bill. Coastal lands are given the same consideration as any other state lands. A coastal zone management program bill was defeated this year. The state has applied for a Federal CZM grant and has been allocated \$187,569 in fiscal 1974.

● WETLANDS. A 1970 Wetlands Act, as amended, divides the state's wetlands into state lands -- those below mean high tide -- and private lands. To dredge or fill on state wetlands a permit from the Board of Public Works

is required. The Department of Natural Resources operates a permit system on private lands.

- POWER PLANT SITING. A 1971 Power Plant Siting Act requires long range planning by utilities, a 10-year plan of possible sites, environmental suitability assessment, and provides a streamlined certification procedure. It is financed by a surtax on electric energy generation.

- STRIP MINING. Maryland strip mining laws require an operator to be licensed and obtain a separate permit for each operation. To obtain a permit, an operator must pay a reclamation fee of \$30 per acre and submit a reclamation plan. The law requires restoring to original contour in low angle mining and concurrent reclamation.

- AGRICULTURAL LAND TAXATION. Maryland has a use-value assessment law with a deferred taxation provision. The law also covers planned development lands, country clubs, and woodlands. Land assessed as agricultural must be used as such for three years after it was last taxed as agricultural unless the owner wants to pay an amount equal to twice the difference between use-value assessment and full-value assessment. Land to be assessed and taxed as planned development land must be zoned for development and approved in the master plan. The zoning classification must have a comprehensive site development plan considering land use, transportation needs, water and sewers, industrial use, job opportunities, recreation, and civic life. The tract must be contiguous and be at least 500 acres. If a portion of the land is further subdivided, it gives up its special assessment, but the rest of the project does not. However, if the owner initiates a rezoning classification not approved in the master plan, then the special assessment is forfeited and back taxes must be paid.

- LOCAL LAND CONTROLS. All counties and municipalities have planning and zoning authority. The enabling act for chartered counties is quite specific in spelling out what the county must include in its comprehensive plan. For noncharter counties the authority is broad. All counties have functioning planning processes. State officials hope all counties will also have completed their comprehensive plans soon and exert full zoning authority.

MASSACHUSETTS

Massachusetts has no statewide land use policy. The state legislature is considering but is not expected to pass a bill (H 5567) that would lead to statewide land use programs. A separate part of H 5567 -- to establish a 21-member commission to regulate land use on Martha's Vineyard -- is given a good chance of passing. Massachusetts has a zoning appeals law that gives the state authority to override local zoning decisions on low-income housing projects.

- LAND USE POLICY. The proposed land use legislation (H 5567) would authorize the Resources Management Policy Council in the Department of Community Affairs to study and recommend land use legislation. The council's recommendations would be due by April 30, 1975. If a Federal land use bill were enacted the council would have 60 days to finish its report. The bill would direct the council to look at the following land use policies: Designation

of critical areas, regulation of development of more than local impact, creation of a statewide land use plan and establishment of guidelines for local planning.

The Martha's Vineyard portion of H 5567 would impose a one-year moratorium on all building on the island. A 21-member commission would designate critical planning areas and write criteria for regulating development in them. Local governments would regulate development according to general commission guidelines. The commission would have authority to control projects of "regional impact."

An environmental impact review is required for all major public and private projects which involve state agencies. That law was trimmed this year. The amendments to the law, which originally went into effect Jan. 1, 1973, limit review to the agency's own involvement in the project, cut off law suits 30 to 60 days after the impact statement is filed, and speed the state review process.

Under the Massachusetts Zoning Appeals Law a qualified low-income-housing developer, including public housing authorities, can appeal a local zoning decision to the state. The developer first applies for a local comprehensive permit. If denied he can appeal to the State Housing Appeals Committee, a five-member committee with three members appointed by the housing commissioner and two by the governor. The locality has 70 days to act on the original permit application. The decision on the appeal can also be as short as 70 days. The key consideration for the state committee is that the housing be "consistent with local needs."

- COASTAL ZONE MANAGEMENT. Legislation has been introduced the last two years to establish a coastal zone program based on the Federal program. The legislation has not been acted upon. The Department of Environmental Affairs has established a coastal zone task force to handle Massachusetts' share of Federal CZM funds. (Massachusetts' fiscal 1974 allocation under the Federal CZM program is \$166,850.) The task force is made up of state legislators, state officials, and private representatives.

- WETLANDS. State permits are required for altering or developing coastal wetlands and for nonagricultural uses of inland wetlands.

- POWER PLANT SITING. The legislature passed a bill this year to establish the Electric Power Facilities Siting Council. The council goes into effect in December.

- AGRICULTURAL LAND TAXATION. The legislature has the authority, not yet used, to enact use-value assessment laws. That authority came in a 1972 voter approved amendment to the state constitution.

- LOCAL LAND CONTROLS. Localities have full planning and zoning authority. The state has 13 regional planning agencies that are purely advisory. Legislation has been proposed to establish a commission to study regional planning. Also, the New England River Basin Commission is working on a comprehensive plan for coordinated Federal-state management of water and land related resources. However, the commission is advisory only.

MICHIGAN

A Michigan land use bill was killed in June when the House, by one vote, referred the bill to the House Appropriations Committee -- a graveyard for land use legislation. But plans are already made to reintroduce the bill in 1975, when a new legislature meets. State planning officials attributed the defeat of the 1974 measure in part to the failure of Congress to pass a Federal land use act. One official said, "It's hard to see how passage of a Federal bill would not have influenced at least one vote." Last minute opposition of state real estate interests was also blamed for the bill's defeat. In changing from support to opposition of the bill, real estate interests said a costly statewide inventory is needed before passage of a land use act. The defeated bill was first introduced as HB 5055. When the Appropriations Committee failed to act on the bill, it was reintroduced as HB 6097. The House then defeated an effort to have the new bill by-pass the Appropriations Committee.

The defeated bill -- which will be the starting point for future legislative action -- would have regulated the use and development of critical lands, and would have created a seven-member State Land Use Commission. The commission was to be charged with preparing a state land use plan describing land uses and land use problems and providing for an inventory and classification of critical land areas. The bill would have authorized the commission to designate and protect critical lands until completion of the plan.

- LAND USE POLICY. The Department of Natural Resources was named the state planning agency by executive order in 1973, and the Office of Land Use was established. The office concentrates on developing broad policy legislative proposals, coordinating state programs, studying special problems, and gathering and analyzing data. The office has recently begun a project to develop a land classification system. And, in July, a report on a proposed state land use program will be issued. The report will focus on defining the state role in land use planning and specifying proposed state land use activities.

- COASTAL ZONE MANAGEMENT. Coastal zone planning and management is administered by the Department of Natural Resources. The department's Environmental Protection Branch will direct activities of inventory and information gathering. The CZM program, for which the state is eligible for a Federal grant of \$246,683 in fiscal 1974, will complement other legislation. Under the Shorelands Management Act of 1970 local planning and zoning along the Great Lakes shores must conform to state guidelines, or the state can impose regulations. The plan developed proposes to limit development to specifically designated shoreland locations, to require developments to be environmentally compatible, and to foster and facilitate public acquisition of significant shoreland environmental areas.

The Inland Lakes and Streams Act requires state permits for dredging and filling for construction. Floodplain development is also subject to state permits.

- POWER PLANT SITING. The legislature has considered several power plant siting bills this year, but discussion has lagged and no enactment is expected. Approval of power plant locations rests with local governments.

- AGRICULTURAL LAND TAXATION. The Agricultural Land and Open Space Taxation Act was passed this year, enabling landowners to contract with the state to keep land in agricultural or open space use for 10 years. In exchange the land would be assessed at its current use value rather than its potential for a more intensive use, and landowners would receive utility tax exemptions and income tax credits. State officials hope the new tax policy can be used as a major tool to guide growth and development.

- LOCAL LAND CONTROLS. Hearings were begun by the legislature this year on recommended changes in the Subdivision Control Act of 1968, which has been criticized for having too many loopholes and for not being widely applicable. Recommended changes include enlargement of the scope of the act to cover subdivisions of 40 acres or less (the act now covers 10 acres or less), increased vacation of out-dated plats, increased enforcement manpower, and acceleration of the review process.

A tough Land Sales Act passed in 1972 went into effect last October. It requires developers of 10 lots or more (regardless of lot size) to register with the Land Sales Division of the state's Department of Licensing and Registration. A developer must make full disclosure of all details of operation and must provide reasonable financial assurance -- through cash, letters of credit, surety bond, or escrow account -- that all improvements will be completed. Transactions can be canceled by buyers under provisions for a five day cooling-off period and if the property report is not received before a contract is signed.

MINNESOTA

The Minnesota legislature this year enacted a Metropolitan Reorganization Act directing the Twin Cities Metropolitan Council to develop guidelines for controlling projects of metropolitan significance. The council is authorized to delay projects for up to 12 months while growth control guidelines are developed. The growth controls will be included in the Metropolitan Development Guide -- a framework the council is preparing as a comprehensive development plan. Interim growth policies were developed in February. A council official said current thinking is to channel growth where sewers have been built and not to extend sewers into agricultural land. Council recommendations will probably be submitted to the legislature for approval in 1975. A report is expected to be completed in December.

- LAND USE POLICY. The Critical Areas Act of 1973 authorizes the state to identify areas that would be damaged by uncontrolled development. Local plans for areas identified must then be reviewed by a regional development commission, or, where none exists, by the state Environmental Quality Council (EQC). The council, created by the Environmental Quality Council Act of 1973, is directed to prepare criteria for designating critical areas, and is authorized to prepare plans for local governments that fail to do so. A report on guidelines for the designation of critical areas is expected in July.

The Commission on Minnesota's Future was also created by the legislature in 1973 to develop alternative growth strategies for the state.

- COASTAL ZONE MANAGEMENT. The state will develop a CZM program -- for

which a Federal grant of \$81,124 was received for fiscal 1974 -- as an integral part of the state land use planning program. The state Planning Agency will coordinate the regulatory activities of several other state and regional agencies. The Arrowhead Regional Planning Division will play a large role in the CZM program by coordinating local government activities in the coastal area. Efforts will be aimed at up-grading the local decision-making process by defining state and regional interests to be considered.

Under the Shoreland Management Act of 1969 coastal counties have developed zoning ordinances for unincorporated shorelands according to guidelines set by the Department of Natural Resources. The state supervision was extended to municipal shorelands in 1973.

- POWER PLANT SITING. The 1973 Power Plant Siting Act requires construction of all power plants and transmission lines to be certified by the Environmental Quality Council. The council will have until July 1, 1975, to complete an inventory of potential sites and transmission corridors. Utilities must submit a 15-year forecast of power demand for the council to use in allocating service.

- STRIP MINING. State planning officials have begun a study of surface mining impact in the state. A report is due in January.

- AGRICULTURAL LAND TAXATION. Minnesota enacted a deferred tax law in 1967 and amended it in 1969 and 1973. Private recreational, open space, and park land -- including land used for golfing and skiing -- are also eligible for deferred taxation, provided the land is at least 5 acres and either open to the public, operated by firms for the benefit of employees and guests, or operated by private clubs with a membership of at least 50 people. Agricultural land must be a family farm of at least 10 acres in order to qualify for the special valuation. Land that qualifies is taxed according to use value, but market value is noted. If the land is sold, deferred taxes equaling the difference between market value and use value for the last three years must be paid.

- LOCAL LAND CONTROLS. The County Zoning Act was amended this year. All counties have the authority to adopt a comprehensive plan, and zoning and other controls must "further the purposes" of the plan. Townships may continue to plan and zone after adoption of county controls, but the township controls must not be inconsistent with or less restrictive than the county controls.

MISSISSIPPI

Executive Order No. 155, signed last September, created the state Task Force on Growth to coordinate planning and set goals for the state. The Task Force, which operates through the Division of Planning and Coordination, has met twice to explore what procedures to follow.

No change of emphasis from the present dominance of local land controls is anticipated. In fact, the state legislature passed a resolution this year opposing passage of a Federal land use act as an undesirable intrusion into state and local concerns.

- LAND USE POLICY. The state's Division of Planning and Coordination advises local governments and provides technical assistance. The division is currently pursuing programs for data collection, and a land use mapping and classification system through the use of remote sensing techniques.

- COASTAL ZONE MANAGEMENT. The Marine Resources Council will administer a state CZM program that initially calls for an inventory of resources, study of coastal zone users, and establishment of state goals and policies. The council was created in 1970 (Act 2034-1970). The state is eligible for a Federal CZM grant of \$84,545 in fiscal 1974.

The council will directly regulate development in state-owned tidelands through the Coastal Wetlands Protection Act of 1973 (Act 140-1973). Council activities will also be coordinated with the Gulf Regional Planning Commission, which is studying development of a regional plan for the coastal counties for open spaces, recreation, and aesthetics.

Superport development is handled through the Alabama-Mississippi Consortium. A proposed port south of Mobile Bay is now being studied, but delay of Federal superport legislation has delayed the consortium's progress. Other difficulties have occurred in attempting to assess development compatibility with state land use policies, because there is no unified statement of state policies. Attempts are being made, instead, to determine compatibility with state air pollution control plans, water pollution control plans, etc.

- POWER PLANT SITING. Controlled by localities.

- AGRICULTURAL LAND TAXATION. There is no favored land taxation for agricultural lands.

- LOCAL LAND CONTROLS. Traditional zoning and subdivision controls supersede all other land use regulations in the state.

MISSOURI

Under a Government Reorganization Act signed in January the Planning Division has been moved out of the Department of Community Affairs and has become the Office of Statewide Planning in the Department of Administration. The role of the Office of Statewide Planning has also changed from providing advice and technical assistance to localities to formulating and implementing policy and coordinating land use planning activities in the state.

- LAND USE POLICY. A report examining growth and its impact on critical and sensitive areas in the state will be completed by the Environmental Advisory Group by July. The group, composed of representatives of several state agencies, has been working on the report for the past year. The results of the study group's recommendations will be presented to Gov. Christopher Bond upon completion.

The report assesses social and economic trends as well as land use trends. Art Schmidt, Office of Statewide Planning, said recommendations will not be limited to new regulatory measures, but will also include suggestions to direct

growth by the placement of sewer facilities and similar means. (Recommendations had not been formulated at this writing.)

- FLOOD PLAIN ZONING. The legislature killed a flood plain zoning bill this year which would have required counties to regulate flood plain development. The state would have been authorized to undertake flood plain zoning if counties failed to do so.

- WETLANDS. The Conservation Commission protects some wetlands now, and the Environmental Advisory Group is looking at the possibility of extending protection to other wetlands through administrative procedures as well as additional legislation.

- POWER PLANT SITING. Locally controlled with advice from the state planning office.

- STRIP MINING. There are weak strip mining reclamation requirements and there has been little actual reclamation. The cost of restoring land is prohibitive -- \$450 to \$500 per acre where the land has an original worth of only \$100 to \$200 per acre. Miners and farmers bear the cost of reclamation on a cost sharing basis because the restoration costs exceed the original value of the land.

- AGRICULTURAL LAND TAXATION. There is no favored tax treatment for agricultural land in the state. The state Department of Agriculture is exploring methods to preserve prime agricultural land near cities, but no immediate results are expected.

- LOCAL LAND CONTROLS. Only 22 of 114 counties in the state have enacted planning or zoning ordinances. Rural counties primarily lack controls, due to the failure of voters to approve them. City governments can and do undertake planning and zoning without approval by referendum.

MONTANA

The Montana Legislature adopted a resolution on April 3 urging the U.S. House of Representatives to postpone any action on Federal land use planning legislation in 1974. The resolution said, "The people of Montana value the right to own and use property with minimum government regulation and prefer such regulation at the local government level where prompt appeal and review are possible, and . . . HR 10294 (the Federal land use bill sponsored by Rep. Morris Udall, D-Ariz.) would turn upside down this long-cherished right of property owners by requiring state governments to control land use decisions in accordance with Federal guidelines."

In other action the legislature killed bills for the designation of critical environmental areas and for lake shoreline management.

- LAND USE POLICY. Gov. Thomas Judge vetoed legislation (SB 625) passed by the legislature this year which would have established a State Department of Planning and Community Development. The department would have been

designated to develop a statewide planning process, formulate goals and objectives, and begin other initial statewide planning functions.

Gov. Judge said the legislation was premature. He said creation of a state planning department should not come until a report by the Montana Environmental Quality Council is made. The council was directed by House-Joint Resolution 9 in 1973 to study and report on state land use policy alternatives. The report is due in 1975. The council is also making an energy policy study.

The council was established by the Montana Environmental Policy Act of 1971 (MEPA). MEPA is modeled after the National Environmental Policy Act (NEPA) and the council is analogous to the Council on Environmental Quality. MEPA requires all possible environmental consequences of government actions to be evaluated. The 1972 Montana Constitution reinforces that directive.

The state Division of Planning is now drafting legislation for presentation to the 1975 legislature to revive plans to establish a state planning department. Planning officials hope to include a mandate for the office to identify critical environmental areas. Even if that passes, though, regulatory power to protect designated areas may have to come with additional legislation.

- POWER PLANT SITING. The Utility Siting Act of 1973 requires utilities to obtain a permit from the Department of Natural Resources prior to development of a project. A large application fee produces revenue used to plan for and meet the impact of new utility construction. The department has authority to reject projects not in the public interest.

- STRIP MINING. Montana has a body of tough strip mining legislation administered by the Department of State Lands. A Strip Mine Siting Act passed this year gave the state government authority to examine and approve the area of a proposed strip mine prior to any development or large-scale investment. Also enacted this year was a three-year water moratorium on the processing of large-volume water-use applications in the Yellowstone Basin. According to the act, future municipal water and aquatic life needs, and irrigation projects needs will be measured, reserved, and allocated before industrial demands are met.

Other strip mining legislation (all passed in 1973) includes the Strip Mining and Reclamation Act, the Coal Conservation Act, and the Water Use Act. The thrust of these laws, as stated in the Strip Mining and Reclamation Act, is "to restore, enhance, and preserve the scenic, historic, archeologic, scientific, cultural, and recreational sites."

- AGRICULTURAL LAND TAXATION. An act providing preferential tax treatment for agricultural lands was passed in 1973 and amended this year. Eligibility requirements were eased this year, so that it is not necessary for land to be actively devoted to agriculture as originally required under the 1973 act. Another amendment requires that the county assessor initiate a procedure to remove land from the preferential treatment roles. The 1973 act originally required landowners to apply annually for special assessment. Land is taxed according to its productive capacity. If the land is changed from agricultural use to another use, the difference between the assessment at productive capacity and assessment at the new market value must be paid for the past four years.

● LOCAL LAND CONTROLS. The legislature this year amended the Subdivision and Planning Act of 1973 to apply to all subdivisions of 20 acres or less. The act originally applied to subdivisions of 10 acres or less. The act requires all local subdivision regulations to comply with state guidelines by July 1, 1974. The state is authorized to impose regulations when local governments fail to institute their own. A set of model regulations has been developed by the state Division of Planning. The state's zoning enabling law prohibits counties from enacting zoning ordinances if a petition signed by 40% of the property owners in a county opposes it. Consequently, few counties have enacted zoning ordinances. Municipalities are not subject to the 40% petition prohibition, and most have enacted standard zoning ordinances.

NEBRASKA

A resolution (LR 148) adopted this year by the Nebraska legislature directs the Senate Agriculture and Environment Committee to "continue to conduct hearings and studies to determine the best and most practical method of approaching land use legislation to insure the development of a state plan which is in the best economic interests of this state."

● LAND USE POLICY. This is the second year of public hearings on state land use planning needs, and there seems to be no sense of immediacy in getting legislation passed. The Office of Planning and Programming is in the process of reviewing statewide land use planning -- irresponsible of additional state or Federal legislation. The office also provides assistance to local governments. The Nebraska Department of Water Resources regulates the use of water. A state Flood Plain Zoning Act, administered by the Nebraska Natural Resources Commission, requires local governments to regulate flood plain development or the commission will impose regulations.

● POWER PLANT SITING. Nebraska is the only state where power is controlled and supplied by the state. The Power Review Board of the Water Resources Department approves all power plant siting proposals made by the public power districts.

● AGRICULTURAL LAND TAXATION. The legislature this year passed a use-value assessment act for agricultural lands. Land within an agricultural use zone -- an area designated for agricultural use -- and actually used for agriculture is assessed at its use value. The difference between the use-value assessment and market-value assessment is deferred. If the land use changes, the deferred taxes for the past five years become due, plus a 6% annual interest payment.

● LOCAL LAND CONTROLS. The legislature this year amended the state's comprehensive planning enabling legislation to add one important sentence: "The comprehensive development plan shall be used only as a guide by the planning commission and the municipal legislative body in all matters to which such comprehensive plan applies."

The change means that the comprehensive plan enabling act cannot be interpreted to require compliance of zoning ordinances. In a decision delivered in 1972 by Judge Robert R. Moran of Nebraska's 16th District Court, a North Platte city zoning ordinance was invalidated because it was not in compliance with the city's comprehensive development plan.

NEVADA

The Nevada State Land Use Planning Act was passed in 1973. Legislation was also passed in 1973 to enable the governor to administer comprehensive land use regulations in areas not already subject to a land use plan, and to require counties with populations of 100,000 or more to adopt master plans.

The Division of Water Resources is scheduled to submit a statewide water plan to the legislature in 1975. Development patterns are already restricted in the state due to limited water resources. The State Engineer now has authority to designate critical areas based on water shortages.

• LAND USE POLICY. John Meder, Administrator of the State Land Use Planning Agency (SLUPA), describes the State Land Use Planning Act (SB 333) as a "mini-Jackson bill" because it uses concepts taken from the Federal land use bill (S 268) sponsored by Sen. Henry M. Jackson (D-Wash.) and passed by the Senate in 1973. The state act requires development of a statewide land use planning process and designation of critical environmental areas. There is, however, no authority granted to regulate large scale developments or facilities with significant environmental impact. The act does say that state officials "shall cooperate with Federal authorities in the field of land use planning and insure that the state land use planning process and land use program meet any Federal criteria and comply with any Federal conditions imposed for eligibility for Federal grants."

SLUPA was established in the Department of Conservation and Natural Resources to administer the act. Two advisory groups have been created -- one of local representatives and one of state and Federal representatives -- to participate in the development of a statewide planning process and statewide land use program.

Meder told LUP Reports that efforts to develop a state land use planning process have been directed toward writing a work program. This will set up methods for inventory of lands and resources, identification of demographic trends, projections of land use needs, inventory of needs and financial resources for the private and public sectors, and the identification and impact assessment of large-scale developments.

SLUPA is also working now to develop a method to identify areas of critical environmental concern. According to the act, plans must be made for areas identified as critical environmental areas. The plans must then be adopted through a public hearing process, and finally an area is designated by the Director of the Department of Natural Resources with the concurrence of the governor.

• POWER PLANT SITING. Power plants are considered a "key facility" for which the state will assess environmental impact under the State Land Use Act. The Utility Environment Protection Act of 1971 as amended in 1973 requires the Public Service Commission to approve the siting of all new utility facilities, including power plants and high-voltage transmission lines.

• AGRICULTURAL LAND TAXATION. In a referendum this year voters will determine whether the state constitution will be amended to provide favored tax treatment of agricultural lands. The resolution has been passed by the

legislature in each of the past two years and must be ratified by the voters to take effect. The proposed amendment would permit the legislature to classify open space and agricultural real property separately for tax purposes. Seven years retroactive assessment would be levied if agricultural land were changed to a higher use.

● LOCAL LAND CONTROLS. Several legislative actions have recently affected the traditional zoning and subdivision authority of localities. The state subdivision law was amended in 1971 to require the state Health Division to approve new subdivision plans "concerning sewage disposal, water pollution, and water quality."

In 1973 the state's zoning law was amended (SB 516) to require counties of 100,000 and more population -- meaning the Reno and Las Vegas areas -- to formulate master plans that include a conservation plan and a population plan. Flood control, flood plain zoning, and resource protection must be included in conservation plans. A maximum population that can be supported by an area's resources must be included in population plans. Zoning regulations must conform with the population plan and the master plan.

According to another bill passed in 1973 (SB 470), any county lands without a master plan and zoning regulations by July 1, 1975, would be subject to comprehensive plans and zoning regulations administered by the governor's office.

The 1973 legislature also created the Nevada Tahoe Regional Planning Agency to regulate construction of casino developments in the Lake Tahoe area not subject to regulations by the joint California-Nevada Tahoe Regional Planning Agency. The Nevada agency has authority to approve projects based on the environmental impact of attracting people and traffic to the Lake Tahoe area. The California-Nevada agency, established in 1969, has adopted a regional plan for the area.

NEW HAMPSHIRE

● LAND USE POLICY. New Hampshire has no land use policy. A bill (HB 22) to identify critical environmental areas was defeated by a two-thirds to one-third margin in the House earlier this year in a special legislative session. It would have provided for the identification and regulation of lands above certain heights, lowlands, flood plains, unique natural areas, scenic and historic lands, and soils that couldn't sustain development.

Two efforts are under way that could lead to legislation:

(1) The legislature has created an Open Space Land Study Commission made up of a mix of citizens and legislators to report recommendations in January 1975 to the legislature. The commission is focusing on critical lands, not on a comprehensive land use policy.

(2) The State Planning Office is drafting legislation to create a comprehensive statewide policy. It is expected to be completed in draft form in the fall. As presently envisaged, the legislation would create a state

review structure for major projects and strengthen regional and local planning.

New Hampshire is beset by development and conservation pressures similar to neighboring Maine and Vermont. State officials say those pressures, which have led to comparatively advanced land use programs in Maine and Vermont, have generated great interest in legislation for next year in New Hampshire. Home builders there, for instance, have hired Fred Bosselman, co-author of The Quiet Revolution in Land Use Controls, to help draft proposed land use legislation.

- COASTAL ZONE MANAGEMENT. The goal of the State Planning Office is to combine the coastal program with a comprehensive land use program, according to Director of State Planning James Minnoch. The state has applied for a \$117,000 grant from the Federal CZM program to be used in a two-year program to develop a coastal zone plan for its 15-mile coast. An application by an Aristotle Onassis group to build an oil refinery in Durham, New Hampshire, was voted down by that town earlier this year.

- WETLANDS. The Port Authority rules on permits and holds hearings before dredging and filling are allowed. The Fish and Game Department can impose conditions on the permits. Too, the Special Board on Dredge and Fill writes rules and regulations for filling and dredging in tidal waters.

- POWER PLANT SITING. The State Bulk Power Site Evaluation Committee must approve new power generation and transmission facilities.

- AGRICULTURAL LAND TAXATION. New Hampshire amended its constitution in 1968 to authorize use-value tax assessment. In 1973 a law was passed which provides for use-value assessment of open space, farmlands, forest lands, wetlands, recreational lands, flood plains, and wild lands. Landowners must apply for special assessment, then tax officials review eligibility annually. When land use changes a tax is assessed equal to 10% of the land's market value. The tax is paid in addition to the state's annual real estate tax. The law went into effect in April.

- LOCAL LAND CONTROLS. The six regional planning districts and eight regional planning commissions have little authority. Efforts are under way to consolidate the eight commissions into six. Only one or two counties have planning operations and those are weak, one-man programs. Local zoning boards may approve Planned Unit Developments (PUDs) but no state standards are imposed on those PUDs.

NEW JERSEY

A confidential report to the governor by the State Planning Task Force, submitted in February, is expected to lead to some sort of statewide land use legislation. Such action will probably be delayed until the legislature can dispose of massive tax reform measures. When that is done, Gov. Brendan T. Byrne said one of the first things he'll take on is land use. The 1973 Coastal Areas Review Act provides for state regulation of some major development in the coastal zone.

• LAND USE POLICY. New Jersey has no comprehensive policy. The State Planning Task Force, appointed by Gov. Byrne's predecessor, was charged with reviewing the state planning structure, including possibilities of statewide comprehensive land use legislation. As a result of the task force's report and the governor's efforts, consideration in the continuous legislature is expected to begin in the fall. Defeated in the 1973 legislature, but expected to be proposed again this year, were the following measures:

(1) A community planning law giving the state regulatory authority -- including review of local and county plans -- over development in critical areas and near major highway interchanges, airports, and recreation areas.

(2) A housing act to establish formulas for low- and middle-income housing. Much detail has yet to be worked out on this controversial proposal.

(3) An act to establish a state development agency.

• COASTAL ZONE MANAGEMENT. The Coastal Area Facilities Review Act of 1973 directs the Department of Environmental Protection (DEP) to regulate industrial use and residential development of a certain size between the shoreline and observable roads. Commercial development is not specified for review. DEP is still developing rules and regulations, but can now reject and accept applications for large projects. The state is allocated \$227,105 under the Federal CZM program in fiscal 1974.

• WETLANDS. A 1970 law requires a permit from DEP before dredging, filling, polluting, building upon, or otherwise altering any coastal wetlands.

• POWER PLANT SITING. A Major Energy Facilities Review Act was defeated last year. It is expected to be reintroduced this year.

• AGRICULTURAL LAND TAXATION. The 1964 Agricultural Assessment Act has significantly slowed the rate of urbanization of farmlands through use-value assessment. A two-year rollback of the tax break occurs when the land is sold or developed. The Blueprint Commission on the Future of New Jersey Agriculture recommended last March a mandatory state-local agricultural open space plan, requiring each locality to designate an agricultural open space preserve composed of at least 70 percent of its prime farmland. The legislature has not considered the proposal yet.

• LOCAL LAND CONTROLS. New Jersey's 567 municipalities have planned and zoned every inch of state land. No land is not in a municipality. Counties play an advisory role. The Hackensack Meadowlands Development Commission has broad authority over development of 19,700 acres of heretofore undeveloped salt water lowlands extending through 14 separate municipalities. The commission was created by a 1968 law, and has the power to develop and implement a master plan and adopt and enforce codes to carry out the plan. The plan is nearly complete and has authorized a sports complex for the New Jersey football Giants (formerly of New York), and a related commercial development on a portion of the lowlands.

NEW MEXICO

The New Mexico legislature this year repealed the state's Environmental Quality Act of 1972, which established the Environmental Quality Council and required environmental impact statements on state projects. In 1973 the legislature imposed a moratorium on implementation of the act, ostensibly because it was too strong. Compromise legislation was rejected this year and the Act repealed. The legislature is expected to make another attempt at compromise next year.

● LAND USE POLICY. New Mexico has no statewide land use policy. The legislature, however, approved a measure this year to match a Federal grant for land use planning if a Federal land use act is passed.

The Land Use Advisory Council is in its second year of examining state legislation affecting land use. The 11-member council is pursuing development of a data storage and retrieval system. Some work on the development of a system has already been undertaken by the University of New Mexico. The Council will make its final report in November. The report will contain recommendations -- not yet formulated -- for legislative and institutional changes.

The state engineer, with the assistance of the Bureau of Reclamation, has worked toward the development of a state water plan. Hopes for a firm plan were dropped, however, when the Bureau of Reclamation suffered a budget cut. Nevertheless, an inventory of current water demands and projections of future demands are expected to be completed soon. In a state where water is scarce, these projections are expected to have great impact on future land use patterns. Any incoming industry will have to purchase water rights from urban and agricultural appropriations already made. That will become more difficult as competition for water increases.

● POWER PLANT SITING. An energy task force, appointed in 1973, is formulating new power plant siting recommendations to give the state more influence in the siting procedure. The state now provides advice and technical assistance. A report is due in September. Construction of power plants must also comply with the state water law requiring utilities to obtain a permit from the state engineer to ensure that water use does not injure other area water users.

● STRIP MINING. A state strip mining commission has been in existence for less than a year. The commission reviews each strip mining proposal individually, reviewing and allocating water needs particularly.

● AGRICULTURAL LAND TAXATION. Legislation enacted in 1967 provides for preferential assessment of agricultural lands, and the state constitution was amended in 1971 to enable the legislature to enact laws using different methods to tax different classes of property. Lands for crops, forests, and grazing are included in agricultural lands given preferential treatment. Land valuations, as determined by the state tax commission, are based on the capacity of land to produce agricultural products -- land that will support more livestock, for example, than a comparable section of land elsewhere will be assessed at a greater value.

● LOCAL LAND CONTROLS. The statewide Subdivision Act of 1973 extends

authority to counties to regulate subdivisions. The Act establishes guidelines for subdivision control which counties must follow. The guidelines require counties to consult with the state Environmental Improvement Agency (EIA) to minimize adverse environmental impact. EIA has authority over pollution control regulation of air, water, and solid waste disposal.

New Mexico's 32 counties are divided into seven planning districts with two to seven counties in each district. The regional planning districts provide some coordination among the counties, but they are limited to providing advice and technical assistance.

NEW YORK

The New York legislature passed legislation this year requiring the Department of Environmental Conservation to assist local governments in complying with flood plain regulation standards under the national flood insurance program. The department is authorized to impose flood plain controls when localities fail.

The St. Lawrence River Commission was revived. It will have essentially the same planning and coordinating authority as before its demise in 1971.

● LAND USE POLICY. Several programs and pieces of legislation give the state wide-ranging influence and control over land use. The Office of Planning Services provides advice and technical assistance to local governments, and coordinates the activities of state agencies. The Department of Environmental Conservation prepared the New York State Environmental Plan containing recommended objectives for sound environmental management. The Adirondack Park Agency, established in 1971, controls development of public and private land in Adirondack State Park. A master plan for regulation of state controlled lands was adopted in 1972. A Land Use and Development Plan for Private Land, adopted in 1973, enables the agency to review and approve private developments of more than five acres within the jurisdiction of the park. The Catskill Commission and the Tug Hill Commission are temporary commissions for the study of these areas. The Catskill Commission issued an interim report this year documenting the lack of planning and zoning in the area.

● COASTAL ZONE MANAGEMENT. The state CZM program will have two main thrusts: (1) determination of the need, desirability, and feasibility of the state coastal zone management program; and (2) information gathering. New York has requested a grant of \$441,896. In addition to the requirements such as development of goals and objectives which must be met in order to receive a Federal grant, a few projects particular to New York will be pursued. One will be a pilot demonstration project in Troy, N.Y., to enable the city to formulate its own CZM program to evaluate a municipality's viewpoint and capability in formulating a local program. The Tidal Wetlands Act of 1973 will also be administered under the CZM program so the state will be able to receive matching Federal funds. Extensive mapping activities will be conducted. The act also requires a state permit for alteration of coastal marshes. The Long Island Wetlands Act of 1959 authorizes state assistance for local protection of L.I. marshes. The state transportation authority will make a statewide port study, too.

• POWER PLANT SITING. Article VII of the Public Services Law, enacted in 1970, requires utilities to obtain a certificate of environmental compatibility and need prior to site preparation for electric power transmission lines and fuel gas transmission facilities. Article VIII of the Public Services Law, enacted in 1972, established a state board on electric generating siting and environment. The article also required a certificate of environmental compatibility and need for siting of major steam generating facilities.

• STRIP MINING. A surface mining regulation act was passed this year. Though the state is unaffected by coal strip mining, there are large operations for open pit mining of iron ore, lead, and sand and gravel. The new law requires mine operators to obtain a permit and submit a reclamation plan.

• AGRICULTURAL LAND TAXATION. The Agriculture and Markets Law of 1971, amended in 1973, permits the designation of agricultural districts through a complex process of county and state approval. The commissioner of agriculture may also designate agricultural districts for "unique and irreplaceable" agricultural land.

A ceiling on tax assessment of agricultural lands is set, based on the average value per acre of all agricultural land eligible for special assessment. Taxes exceeding the ceiling are deferred until the land use changes. When land use changes, the deferred taxes for the past five years must be paid. State aid equal to one-half the revenue lost from agricultural districts goes to local governments.

• LOCAL LAND CONTROLS. The legislature killed a bill this year to authorize state planning and zoning of rural areas not already regulated. The bill also authorized state planning of critical environmental areas that would have superseded local zoning. The General Municipal Law provides for coordination of zoning and planning by contiguous municipalities. Recommendations by county and regional planning agencies, however, can be overruled by municipal legislatures. Under the Environmental Conservation Act of 1970, local legislatures have created more than 275 environmental advisory councils, advised by the Department of Environmental Conservation, to provide technical assistance and advice.

NORTH CAROLINA

North Carolina enacted a Land Policy Act in 1974 that provides the foundation for developing a land use planning process. Before the process is established, further legislation to be developed by a Land Policy Council must be enacted. The state in 1974 also enacted a Coastal Areas Management Act.

• LAND USE POLICY. The North Carolina Land Policy Act of 1974 provides for the following:

(1) Establishment of guidelines for localities in land use planning. The guidelines will not be binding.

(2) Establishment of guidelines for land classification into urban, agricultural, etc.

(3) Establishment of a land use information system.

(4) Research in and investigation of existing state land use laws.

The act also calls for the creation of the 14-member Land Policy Council to oversee land policy and land use in North Carolina. The council will be made up of eight secretaries of state departments, the lieutenant governor, the House speaker, another House member, a Senate member, a representative of the Association of County Commissioners, and a representative from the League of Municipalities.

Also in 1974, North Carolina enacted a Land Conservancy Act. It is unfunded so far, but state officials hope for philanthropic support and are studying the possibility of using other state funds.

A Mountain Areas Management Act similar to the coastal act died in committee in 1974.

● COASTAL ZONE MANAGEMENT. The 1974 coastal act will enable the state to participate in the Federal Coastal Zone Management Program. North Carolina is eligible for \$150,833 in Federal CZM grants in fiscal 1974. If coastal localities do not develop land use plans, the state will step in and develop them. A Coastal Resources Commission in the Department of Natural and Economic Resources will administer the program.

● WETLANDS. The Wetlands Protection Act of 1971 authorizes the Department of Conservation and Development to adopt rules and regulations to protect coastal marshes and contiguous lands after public hearings and the preparation of maps. The wetlands act has not been implemented, but will be in conjunction with implementation of the coastal zone act.

● POWER PLANT SITING. The state utilities commission has proposed a number of requirements for power plant siting, but there is no enabling legislation in sight.

● AGRICULTURAL LAND TAXATION. North Carolina is without any kind of use-value assessment.

● LOCAL LAND CONTROLS. Four years ago the state enacted enabling legislation conferring zoning authority, including subdivision control, on municipalities and counties.

NORTH DAKOTA

● LAND USE POLICY. North Dakota has no statewide land use policy. Comprehensive land use legislation is expected to be introduced in the biennial

legislative session beginning in 1975, with little chance of success. The principal land use activity at present involves a comprehensive study, authorized by the legislature, of land use planning and zoning. The study has been reduced to measures to clarify local and regional zoning and planning authority because of the failure of Congress to pass a Federal land use act. The legislative council is conducting the study.

● POWER PLANT SITING. The energy crisis broke after the 1973 legislative session ended. An interim committee is expected to recommend power plant siting legislation in the 1975 session. It will probably not be tied in to land use bills.

● STRIP MINING. A 1970 strip mining law was stiffened considerably in the 1973 legislative session. Mine operators now must obtain a three-year permit. The performance bond was increased from \$200 per acre to \$500 per acre. Surface mine operators are required to return the mined land to original contour and replace the top two feet of topsoil. Reclamation does not have to be concurrent with the mining.

● AGRICULTURAL LAND TAXATION. A 1973 law authorizes taxation of agricultural lands within corporate limits according to their use. The assessment ratio is to be uniform with that for agricultural lands outside the city limits.

● LOCAL LAND CONTROLS. The legislative study that has evolved into an effort to clarify local and regional land controls is now drafting legislation. Four hearings have been held, coordinated by the legislature's Natural Resources Committee. The legislative council expects to complete its final draft in November. As presently envisaged, the legislation would clarify county planning and zoning roles, eliminate townships' planning and zoning authority, and set out city planning controls outside city boundaries. At the regional level, the legislation is expected to consolidate four or five pieces of enabling legislation into one clear code.

OHIO

Ohio has no statewide land use policy. A measure affecting key facilities was introduced into the legislature this year but is going nowhere. Ohio does have strong strip mining laws.

● LAND USE POLICY. A statewide land use policy is some time off, according to state officials. The bill affecting key facilities, introduced this year, received "absolutely no comment" from potential supporters or detractors, state officials said. Although there is very little call for state land use policies in Ohio, a major shift in the make up of the legislature next year could lead to some kind of legislation. The expected shift would give Democrats control of the legislature for the first time in years. And the League of Women Voters national campaign for land use laws could have some impact by then in Ohio. Meanwhile, an interagency task force called the Land Use Policy Work Group is deciding what aspects of land use to study.

- COASTAL ZONE MANAGEMENT. Ohio has received a \$200,000 grant from the Federal CZM program. A staff is now being put together and work on developing a coastal zone program is expected to be in full swing by this summer. Ohio is taking the full three years allowed by the Federal law to develop its program. State legislation will be required to implement the program. Bills to establish the Lake Erie Shore Erosion Control District and to require local flood plain management ordinances may die in committee this year.

- POWER PLANT SITING. A 1972 law requires an environmental review statement, preempts local controls, and provides one-stop permits. Rules and regulations have been adopted and, a state official says, enemies on both sides have been made.

- STRIP MINING. Ohio's tough strip mining laws require operators to prevent water pollution. Land must be restored to its approximate original contour and condition. Reclamation must begin within three months after the overburden is first removed. Topsoil must be separately removed and replaced. A state tax of 4¢ per ton provides funds for state environmental protection activities and reclamation of surface mined lands.

- AGRICULTURAL LAND TAXATION. The legislature passed a bill (S 423) this year allowing agricultural land to be assessed at its value in agricultural use.

- LOCAL LAND CONTROLS. All municipalities, counties, and townships have zoning authority, although only a few counties use that power. Some 85% of zoning in unincorporated areas is done by townships. Municipalities have subdivision powers; townships don't. The state is in the process of substate districting and creating multiple county regions. Counties and municipalities have state enabling legislation, with no criteria that allows Planned Unit Developments. Townships don't have that authority.

OKLAHOMA

- LAND USE POLICY. There is no statewide policy. A Technical Land Use Advisory Committee has been established to assist the state in preparing technically for Federal legislation. A land use forum earlier this year drew about 400 people. State officials hope to hold more public hearings to generate interest in land use planning.

- POWER PLANT SITING. No special law.

- STRIP MINING. A mild strip mining law authorizes the operator to determine future land use for which the land will be reclaimed. The land must be revegetated for the intended use unless it is to be covered with water or used for commercial sites.

- AGRICULTURAL LAND TAXATION. No special law.

- LOCAL LAND CONTROLS. A state official described them as a "mishmash,"

with different amounts of authority for different sizes of communities. Counties may not engage in countywide zoning although they may adopt rules and regulations to implement county plans. Countywide planning is needed. A planning enabling act was drawn up this year that would have given counties and localities full zoning and planning authority, but a sponsor couldn't be found.

OREGON

Oregon passed a comprehensive land use measure (SB 100) in 1973. A massive statewide effort to implement it is now going on. Goals and guidelines to govern state and local land use activities are due by Jan. 1, 1975. State officials hope to meet that date. A comprehensive coastal zone management program is due Jan. 17, 1975, but state officials are asking for a three-month delay. A land sales regulation act passed in 1973 was repealed by the legislature. A substitute is expected in the 1975 legislature.

● LAND USE POLICY. SB 100 directs development of statewide land use planning except for the regulation of critical areas. The legislature will be asked to provide that authority in the 1975 legislative session.

SB 100 authorizes:

(1) The establishment of a seven-member Land Conservation and Development Commission.

(2) The commission is directed to: (a) establish goals and guidelines; (b) identify activities of statewide significance; and (c) review local plans, zoning, and subdivision ordinances for conformity with commission goals.

(3) The goals and guidelines are being drafted for regulating activities of statewide significance in at least five areas of service: Public transportation facilities, sewerage systems, water supplies, waste disposal sites, and public schools.

(4) Goals and guidelines are being drafted for certain specified priority areas such as lands next to highway interchanges, estuarine areas, and flood plains.

(5) Goals and guidelines are also being drafted for use in designing future comprehensive plans.

After the goals and guidelines are adopted, permits will be required from the commission for planning and siting. Counties are charged with coordinating activities of the cities and nonincorporated areas, except for Portland where a regional agency has planning authority.

As of June, the first round of 28 public hearings had been held with some 3,000 people attending. The first draft of the goals and guidelines is expected around August 1. It will be sent to more than 50,000 citizens. A second round of workshops will be scheduled for after Labor Day. A second draft will be written and distributed to the legislature and the public. And in mid-December a third and final round of hearings will be held before the final goals

and guidelines are adopted by the commission.

- COASTAL ZONE MANAGEMENT. A 1970 moratorium on building in the coastal zone decreed by the governor has been called off. An Oregon Coastal Conservation and Development Commission and four regional coordinating committees are preparing a plan for the preservation and development of the natural resources of the coastal zone. The report is due in to the Oregon Legislative Assembly in January but will probably be delayed until the end of March. The plan will reflect a balance between conservation and orderly development and establish preferences when there are conflicting uses. The state has received \$250,312 in fiscal 1974 grants from the Federal CZM program.

- POWER PLANT SITING. A permit would be required from the Land Conservation and Development Commission as provided in SB 100.

- AGRICULTURAL LAND TAXATION. Land in a farm use zone is automatically assessed at farm use value. Land outside farm-use zones can obtain use assessment on application. If the farm outside a farm-use zone becomes disqualified, an additional tax -- based on the difference between highest use and farm-use assessments over the past 10 years or less plus a six percent interest -- is due.

- LOCAL LAND CONTROLS. SB 100 directs counties and cities to prepare comprehensive land use plans and zoning ordinances. If this is not done in a reasonable time, the commission will step in and prepare them and charge the locality for the cost. Most of the state's 26 counties and 238 cities have adopted the plans and ordinances. Less than one-tenth of one percent of municipalities are lagging. City and county planning commissions have authority to regulate subdivisions, which must meet criteria before being approved.

The 1973 Land Development Consumer Protection Act to regulate land sales was repealed this year by the legislature. Protests from lenders, realtors, and developers led to the repeal. A substitute law was vetoed by the governor. This puts an old law back into effect, allowing the Real Estate Commission to waive the filing of reports that his office is authorized to file. In practice the commissioner waived 95 percent of the reports.

PENNSYLVANIA

Pennsylvania has no comprehensive statewide land use policy. An inter-agency task force is studying land use proposals now and hopes some sort of legislation will be introduced in the 1975 legislature.

- LAND USE POLICY. The interagency task force, composed of six state agency heads, is developing outlines for a design study for state legislation based on the Federal bill approved by the Senate. The participating agencies are: Community Development, Agriculture, Commerce, Transportation, Environmental Affairs, and the Office of State Planning. The task force is also developing a policy statement. To insure participation of regional agencies, a regional representative sits on the task force and task force representatives attend regional meetings.

- COASTAL ZONE MANAGEMENT. The state is working on development of recommendations for a coastal zone program. The development of a specific program would have to be authorized by the state, an official said. Pennsylvania's allocation of fiscal 1974 funds under the Federal CZM program is \$138,338.

- STRIP MINING. Pennsylvania has one of the toughest strip mining laws in the country. It requires a permit and operator's license for each operation, and these are issued only after a reclamation plan has been approved and a high performance bond posted. In addition, an operator must also obtain a water quality permit. The performance bond also covers water quality. Reclamation requires return to original contour when the prior slope was under 12°. Reclamation must be almost concurrent and topsoil must be saved and replaced. In 1972 Pennsylvania issued 3,400 noncompliance citations. The closest state, Kentucky, issued 480.

- POWER PLANT SITING. No special law.

- AGRICULTURAL LAND TAXATION. Voters approved a constitutional amendment last fall to permit the General Assembly to write standards and qualifications for preservation of agricultural lands. So far the legislature has not acted. Under a 1966 law, certain counties may enter covenants with farm owners that will tax the land at fair market value as restricted by the covenant. If the use of land is changed, the landowner must pay a penalty.

- LOCAL LAND CONTROLS. The state has delegated full planning and zoning controls to municipalities, townships, and counties. The 67 counties all have planning commissions, some highly sophisticated. The ten regional agencies have advisory powers only and are participating in the interagency study of land use.

RHODE ISLAND

Rhode Island has no statewide land use policy. The Statewide Planning Program of the Department of Administration is developing a comprehensive plan for the state that will lead to recommendations for land use legislation. The comprehensive plan is expected to be completed late this summer and legislation introduced in the 1975 legislature. The state also is developing a coastal zone program.

- LAND USE POLICY. The comprehensive plan being developed by the Statewide Planning Program will include a land use policy, called a Rhode Island State Land Use Policy and Plan. It will affect primarily the A-95 review procedure for Federal programs and state statutes dealing with land use. Out of it, pieces of legislation -- critical areas designation for one -- are expected to be developed for next year's legislature. The land use policy is one part of a State Guide Plan that also includes plans for transportation, etc.

- COASTAL ZONE MANAGEMENT. The 1971 legislature created a Coastal Management Council to administer a management program for all coastal activities below the high water mark and some major coastal land activities. Those activ-

ities are limited to power plants, mineral extraction, shoreline protection facilities, intertidal salt marshes, and sewage and waste treatment. A permit system now regulates those activities. A comprehensive resources management plan is being developed with the help of \$154,415 in fiscal 1974 Federal CZM program grants. The final plan, which is to correspond to the State Guide Plan, is still a couple years away from being finished, a state official said. It is still uncertain if the council has authority to implement the plan or whether additional legislation will be necessary.

- WETLANDS. The 1971 Fresh Water Wetlands Act requires local and state approval for alterations. The coastal council must issue permits for alterations of salt marshes.

- POWER PLANT SITING. Within the coastal zone a permit is required from the coastal council. Statewide, no special power plant siting law has been enacted.

- AGRICULTURAL LAND TAXATION. Rhode Island has a provision for use value assessment of agricultural land with a roll back tax penalty. When land is changed from farm use, the amount due is equal to the difference from use assessment and any other town land assessment. The amount due is for the current year and the preceeding two years.

- LOCAL LAND CONTROLS. Rhode Island has no counties. The 39 municipalities have full zoning and planning authority. All but two of the municipalities have zoning ordinances.

SOUTH CAROLINA

The U.S. House of Representatives' vote not to consider a Federal land use bill this year has probably squelched any chance that the South Carolina legislature will consider a state land use act during its 1975 session. A study commission, nevertheless, is developing recommendations for a land use policy.

- LAND USE POLICY. There is none statewide. The governor's Special Study Committee on Land Policy submitted three general policy recommendations to the governor last fall. The recommendations considered economic and environmental conflicts, land use policies, and community development. The study committee is now reconsidering its policy recommendations.

- COASTAL ZONE MANAGEMENT. The governor created a Coastal Zone Planning and Management Council to formulate, recommend, and administer a planning and management program designed to promote "public health, safety, and welfare in the maximum beneficial use of the South Carolina coastal zone." The legislature failed this year to approve a bill "legitimizing" the council. A management bill passed the House, but died in the Senate. It would have required the state to develop a permit system to regulate coastal activities to be implemented within six months of passage. South Carolina has received a fiscal 1974 grant from the Federal CZM program of \$198,485.

- POWER PLANT SITING. No special law.
- AGRICULTURAL LAND TAXATION. No special law.
- LOCAL LAND CONTROLS. Counties and municipalities have been delegated full planning and zoning powers. Most zoning is done at the municipal level.

SOUTH DAKOTA

A bill to designate and regulate critical areas was introduced to the legislature this year and was defeated in the House 29-40. A bill was enacted directing counties to develop comprehensive plans.

• LAND USE POLICY. No statewide policy exists. The bill to administer critical areas (HB 706) would have required regulation of such areas by local governments with review by the state Board of Environmental Protection. A bill (HB 753) to require environmental impact statements for state and local public projects was approved by the 1974 legislature as was legislation (HB 667) to continue the Interim Legislative Committee on Land Use Planning. That committee is beginning hearings again and has begun to review the critical areas legislation.

• POWER PLANT SITING. No special legislation. The question will probably be addressed in 1975.

• STRIP MINING. South Dakota has a permit system.

• AGRICULTURAL LAND TAXATION. Legislation was enacted this year to allow agricultural land assessment on use value. The previous law allowed preferential assessment within school districts only.

• LOCAL LAND CONTROLS. HB 662, enacted this year, directs counties to complete comprehensive plans by July 1, 1976. HB 664, to provide a procedure to resolve city and county zoning disputes, was defeated. Counties and municipalities do have full zoning and planning authority with municipalities more active.

TENNESSEE

A bill to create a Tennessee Land Use Study Commission did not make it to the floor in the legislature this year. State officials expect it to be reintroduced next year.

• LAND USE POLICY. The state has no land use policy. The 1973 Tennessee General Assembly directed the State Planning Office to work with a state land use planning task force and two legislative committees to do a study and recommend land use legislation. The unsuccessful bill, HB 1623-S 1654, was then introduced this year to create the Tennessee Land Use Study Commission and

authorize a four-year study. The State Planning Office is continuing its research.

- POWER PLANT SITING. Most power plants are sited and constructed by the Tennessee Valley Authority. A state official said TVA cooperates closely with the state by consulting with the state and localities.

- STRIP MINING. Tennessee has a strong strip mining law. It requires a permit for each surface mining operation, a separate water quality permit, a reclamation plan and a high performance bond of at least \$600 per acre. Reclamation must be concurrent with mining and completed on each acre within one year after mining. Land must be returned to the approximate original contour on slopes exceeding 15°. Funds from permit fees and bond forfeitures are put in a special account to be used for administration and reclamation.

- AGRICULTURAL LAND TAXATION. No special law.

- LOCAL LAND CONTROLS. Counties and municipalities have authority to plan and zone. A study last year revealed that of 321 cities, 145 had both zoning and subdivision controls, nine had subdivision controls only, four had zoning only, and 163 had neither. Of 95 counties, 14 had both zoning and subdivision controls, 20 had subdivision controls only, none had zoning only and 61 had neither.

TEXAS

Texas has no statewide land use policy. A major report on Texas land use, commissioned by the governor's office, was released in December 1973 and circulated.

- LAND USE POLICY. Three legislative committees are addressing land use proposals and expect to come up with recommendations for legislation in 1975. However, a comprehensive approach including designation of critical areas and regulation of major development is not given much chance. A proposal for strengthening local government zoning and subdivision powers is given better odds.

- COASTAL ZONE MANAGEMENT. A 1973 Coastal Public Lands Management Act calls for formulation of a comprehensive management program for submerged lands, tidal flats, and marshes. It also authorizes limited leasing of coastal lands for public purposes and establishes a permit system for construction, maintenance, and use of private structures on coastal islands and submerged lands.

Other coastal laws establish public ownership of the state's beaches up to the vegetation line and require permits for activities threatening dunes or vegetation. Texas received \$360,000 from the Federal CZM program in fiscal 1974 grants.

A major Texas Superport Study Commission has reported on the need and feasibility of superports. The study says the state should be responsible for land use impacts of superports since those impacts are expected to be statewide. No firm details of what agencies should administer the planning are in the report. A major controversy in the superport proposals is whether private companies or the state should build the facilities.

● WETLANDS. Some coverage exists in the 1973 Coastal Public Lands Management Act.

● POWER PLANT SITING. Bills to regulate power plant siting were narrowly defeated in the 1973 legislature and are given a good chance of passage when the legislature meets again in 1975.

● STRIP MINING. This is just beginning to be a problem. Several hundred thousand acres of east Texas offer surface coal mining potential. A statewide advisory commission is studying the situation and will report to the governor in the fall. He is then expected to recommend legislation in 1975.

● AGRICULTURAL LAND TAXATION. Texas allows farmers use-value assessment with a deferred tax provision. Each year the assessor notes what agricultural land would have been worth if it were not in farm use. If the land use is changed, it will be taxed on the difference between agricultural use and nonagricultural use for the past three years.

● LOCAL LAND CONTROLS. All cities over 2,500 population have full authority for planning and zoning in incorporated areas. In unincorporated areas -- which may extend as much as five miles from the city line -- the cities have no zoning authority, no taxing authority, no authority over housing and building codes. The city may, however, regulate subdivisions there. Counties have no ordinance-making powers and thus no real planning role. One proposed provision that the legislature is now considering, as it meets in constitutional convention, is to authorize counties the same zoning and planning authority as incorporated cities. If those powers are not added in the present session, it is expected that the 1975 legislature will strengthen city and county planning and zoning.

Texas has a well established regional planning agency system. The state government puts roughly \$1,750,000 a year into them. In addition to having planning coordination powers, the agencies have also entered into cooperative agreements with their local governments for such programs as airport and solid waste management.

UTAH

The Utah Land Use Act was passed by the state legislature this year. It was scheduled to go into effect in April, but a petition for referendum filed by the John Birch Society will require the Act to be ratified by voters in November.

Gov. Calvin L. Rampton issued an executive order requiring all state agencies to file environmental impact statements on all agency actions. The order will go into effect July 1, 1974.

● LAND USE POLICY. The Utah Land Use Act provides for designation of and planning for critical environmental areas. Sections for wider land use planning authority were stricken from the bill.

The act would create the Utah Land Use Commission which would oversee local planning activities. All funding to localities would be through the Land Use Commission. Localities would have 90 days to designate critical areas. The Land Use Commission would designate areas not under local jurisdiction. Plans for designated areas would then be submitted to the legislature for approval.

•POWER PLANT SITING. There is no state authority over power plant siting. Gov. Rampton, however, has recently directed staff members to draft a power plant siting bill to go to the legislature in 1975. Rampton expects the support of utility companies that are interested in large multi-regional projects.

•STRIP MINING. No special legislation. Only a small area of the state is affected by strip mining operations.

•AGRICULTURAL LAND TAXATION. Utah amended its constitution in 1969 to allow preferential tax treatment for agricultural lands. The Greenbelt Act of 1969, as amended in 1973, permits a deferred tax law for agricultural lands. Agricultural land is assessed at its use value, but if the use changes the difference between the use-value assessment and market-value assessment for the past five years must be paid.

•LOCAL LAND CONTROLS. Virtually all local governments have zoning and planning ordinances. But the ordinances are generally superficial and poorly enforced. No special flood plain zoning or wetlands protections exist.

VERMONT

Vermont has completed all but the final phase of a state land use plan. A statewide regulatory system for most subdivisions and developments will implement the plan. The legislature this year failed to approve the final phase of the plan. A legislative committee, now studying the final phase, is moving away from a mapping procedure and is leaning toward the Florida system of regulating critical environmental areas and key facilities.

•LAND USE POLICY. Vermont began to work toward a comprehensive land use plan with the passage of the Land Use and Development Law in the spring of 1970. Planning under the law was to proceed in three phases. The first phase, the development of an Interim Land Capability and Development Plan, was accomplished with little controversy. It described the present uses of land and the capability of the land for development. The second phase, a Capability and Development Plan, has also been adopted. It was approved by the governor and legislature in April 1973. It described planning principles for economic development, natural resources, transportation, and conservation of energy. The Capability and Development Plan is used now as a guideline for regulating development. The third phase turned down by the legislature this year would have created a statewide land use plan complete with mapping. Under the proposal the State Planning Office would have mapped the state into urban, rural, village, natural resource, and conservation districts. Local governments would in turn have adopted land use plans for urban and village districts. However, if local governments had failed to act, maps prepared by the State Planning Office would have gone into effect.

In considering legislative proposals for phase three for next year's legislature, a legislative study committee is turning toward the critical environmental area/key facilities approach of the ALI/ABA, the Jackson bill and Florida. Regulation is accomplished by the Environmental Board at the state level and nine district commissions. The board has nine members, the commissions three each.

State permits are required for development of 10 or more units or for commercial or industrial improvements on more than 10 acres. Among the 10 criteria for approving permits are conformity to land use plans, no unreasonable burden on municipal services, and no undue affect on the natural beauty of an area. A developer begins the regulatory process by applying to a district for a permit. The application then goes to the state Agency 250 Review Committee where a single state technical position is developed. Using the agency position paper and the input of interested parties at public hearings, the commission rules on the permit. An interested party may appeal to the Environmental Board.

As of March 1, 1974, 1,446 permit applications had been acted on by the district commissions. Forty-three were denied, 50 were appealed to the Environmental Board. Four board decisions have been appealed to the state supreme court.

●POWER PLANT SITING. It is covered in the land use law permit system. A 1969 law requires state approval, including environmental impact statement, for major power lines.

●AGRICULTURAL LAND TAXATION. Vermont has restrictive agreements that offer tax breaks for medium to small farms. Tax incentives for large farms were proposed in the 1974 legislature and probably will be again next year.

There are two procedures under the present law for farmers to obtain tax breaks. Under the first method, the land owner may sell rights or interests in his property to a municipality or the state. The government then leases it back to the original owner on condition that the use of that property not be changed. Under the second method, municipalities can make contracts with farmers and new industrial and commercial establishments to maintain the tax on a property at a fixed rate for no more than 10 years.

●LOCAL LAND CONTROLS. Vermont has no counties. Municipalities have full planning and zoning authority. Under the new land use laws, municipalities are moving rapidly toward establishing zoning ordinances and effective planning commissions, state officials say. A 1967 state enabling act sets up regional planning commissions. The 13 in operation now have advisory powers only.

VIRGINIA

The Virginia General Assembly adopted a resolution this year opposing a Federal land use act, declaring that land use planning is a state function and that Federal land use legislation, therefore, is improper. And the legislature also killed all state land use legislation this year. The two major land use measures introduced in the General Assembly were a bill to

designate critical environmental areas and a bill to establish consistent statewide subdivision ordinances.

- LAND USE POLICY. The Advisory Legislative Council's Land Use Policies Committee, which proposed the legislation killed by the legislature, will continue its work. Some personnel replacements have been made and a report is scheduled to be completed by Nov. 1.

- COASTAL ZONE MANAGEMENT. The state's CZM program under the Federal CZM grant will be administered by the Commerce and Resources Section of the Division of State Planning and Community Affairs. Virginia is eligible for a Federal grant of \$166,470 in fiscal 1974. State officials expect the grant to be approved in July. Work elements for the first year include a public participation and education program, assessment of public and private activities in the coastal zone area, data collection and analysis, wetlands management, and coordination of state, local, and Federal planning activities.

The Wetlands Act of 1972 gives initial control of a permit system for wetlands regulation to local governments, with advice of the Virginia Institute of Marine Sciences. If local governments fail to develop regulations, the Marine Resources Commission is authorized to impose regulations. The Wetlands Act requires local permits subject to state review for any alteration or construction in wetlands.

- POWER PLANT SITING. No special law.

- STRIP MINING. A state law regulating strip mining was passed in 1966 and amended in 1972. The Department of Conservation and Economic Development, Division of Mined Land Reclamation, administers the act. It requires mine operators to obtain one-year operating permits and to post a performance bond. Reclamation provisions require land to be restored to a "stable condition" that "minimizes or prevents adverse disruption" and provides "reasonable opportunity for further productive use." The division is directed to "encourage adoption of a more productive land use, such as pasture, agricultural use, recreational areas, sanitary landfills, industrial and building sites." Reclamation and mining operations must be concurrent.

- AGRICULTURAL LAND TAXATION. Local governments have the option to adopt a deferred-tax ordinance for land classified as agricultural, horticultural, forest, or open space. Both the fair market value and the use value of the land is noted, but taxes are assessed on the basis of the use value. If the land use changes, then the difference in taxes between the use value and the market-value assessment becomes due for the five preceding years, plus a 6% annual interest charge.

- LOCAL LAND CONTROLS. Local governments have traditional zoning, planning and subdivision authority.

WASHINGTON

Although Washington has no statewide land use policy, the 1972

Shoreline Management Act provides for land use regulation of a large part of the state. Two different land use proposals were killed in the 1974 legislature before reaching the floor of either house. At least one committee is holding interim sessions in preparing legislation for next year.

● LAND USE POLICY. A strong bill, H 791, was killed in the House Rules Committee. It would have altered local planning, established a one-stop permit system at the state level for activity of more than local concern, reformed court review procedures for land use decisions, and revised planning enabling laws. A weaker bill (S 3369), based on the Federal land use bill, never got out of committee. The House Local Government Committee is now drafting its own bill for next year. Hearings are under way. State officials say it will be based on the Oregon land use bill. Its chances for passage next year are "hopeful."

● COASTAL ZONE MANAGEMENT. The 1972 Shoreline Management Act was approved by the voters in a referendum. It applies to land extending 200 feet from the highwater mark, lakes larger than 20 acres, and large streams and rivers. It includes all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the above waterways. The state Department of Ecology has developed guidelines for communities to use in devising comprehensive shoreline use plans called "master programs." The master programs were supposed to have been completed by Dec. 24, 1973, but have been extended into the summer of 1974; localities are devising permit systems for regulating the development and alteration of shorelines. The state will have authority to review the local plans. If a locality does not complete a plan, the state will do it. The state also has review authority over permits issued by localities and can designate shorelines subject to the act. Washington's allocation under the federal CZM program for fiscal 1974 is \$189,469.

● POWER PLANT SITING. A Thermal Power Plant Siting Act of 1970 regulates the siting of coal and nuclear plants.

● AGRICULTURAL LAND TAXATION. Washington has both deferred-tax laws and restrictive agreements. Agricultural, open space, or timber land can be assessed on its use value upon acceptance in the program, although a complicated formula is applied to farm land to compute use value. Once land has been accepted, it may not be applied to another use for at least 10 years. If a landowner withdraws before the 10 years are up, roll-back taxes, plus interest, plus a penalty of 20% of the roll-back tax will be imposed. Any county or municipality may acquire development rights, easements, covenants, or other contractual rights, in order to maintain, preserve, and limit the future use of selected open space, farm, and timber land.

● LOCAL LAND CONTROLS. Counties and localities are empowered with traditional planning and zoning authorities. All 39 countries have some kind of planning effort, and an estimated 25 have zoning ordinances. The state has some regional planning agencies, including countywide planning bodies that serve as planning staff for both a county and its municipalities.

WEST VIRGINIA

Robert E. Gall, operations coordinator of the Planning and Development Department, told LUP Reports that West Virginia has not considered state land use legislation by design. "We have been waiting to see what kind of Federal legislation will be passed. But we have been waiting longer than we expected."

- LAND USE POLICY. The Planning and Development Department provides advice and technical assistance to local governments. Eleven regional councils were created by the legislature in 1972. The councils are in the process of making inventories and analyses of state resources.

- POWER PLANT SITING. The state Public Service Commission regulates various aspects of power plant construction, but has no land use regulatory authority.

- STRIP MINING. West Virginia's strip mining law, passed in 1967 and amended in 1971, requires mine operators to obtain annual operating permits, pay a \$500 fee and a reclamation tax of \$60 per acre, file a performance bond, and submit a reclamation plan. The law is administered by the Department of Natural Resources, Division of Reclamation.

Concurrent reclamation provisions require restoration of approximate original contour and elimination of highwalls and spoil peaks for non-mountain lands, and highwalls must be reduced for contour mining on mountains. Detailed regulations require stabilization of disturbed areas "as quickly as possible." Areas that cannot be reclaimed are designated by the state and may not be mined.

- AGRICULTURAL LAND TAXATION. There is no preferential tax treatment for agricultural lands.

- LOCAL LAND CONTROLS. Though zoning and subdivision enabling legislation exists, only six of 55 counties have adopted zoning ordinances. No flood plain zoning or wetland protections exist.

WISCONSIN

Wisconsin has no statewide land use policy. Comprehensive measures were introduced in the 1974 legislature, but failed. Chances for 1975 legislation are not good.

- LAND USE POLICY. A bill (AB 882) that failed in this year's legislature would have required designation and regulation of critical environmental areas and developments of regional impact. A weaker bill (AB 1471) to provide \$500,000 for accelerated land use information gathering was also defeated.

- COASTAL ZONE MANAGEMENT. Under state guidelines and review, all counties on Wisconsin's 650-miles of Great Lakes coast have zoned unincorporated shoreland areas. The coast is zoned into conservancy, recreational-residential, or general purpose areas. In conservancy areas commercial establish-

ments are prohibited. In recreational-residential areas commercial establishments require special permits. Industrial plants are allowed only in general purpose areas and then by special permit. The main weakness in the law, state officials say, is that it does not apply to incorporated areas. No legislative move is under way to either extend the law or to provide for a coastal management program.

The state's allocation under the Federal CZM program for fiscal year 1974 is \$131,685.

• WETLANDS. Legislation to provide for regulation and protection of wetlands was killed by the 1974 legislature. A new measure, expected to be offered next year, is given a better chance.

• POWER PLANT SITING. Both the Senate and the Assembly (AB 814) passed power plant siting measures. A conference committee was unable to agree on a compromise measure, and the bills died.

• STRIP MINING. A fairly strong surface-mining reclamation measure was approved as a part of SB 36 this year by the legislature. The law is aimed at an extensive surface copper mining boom in northern Wisconsin.

• AGRICULTURAL LAND TAXATION. In a referendum in April 1974, voters approved preferential assessment and taxation of open space. Legislation to implement the referendum is expected to be the main land use issue in the 1975 legislature.

• LOCAL LAND CONTROLS. Wisconsin has relatively thorough enabling legislation for counties and municipalities. Since municipalities have approval over county zoning, county zoning is frequently ineffective. Efforts at recodification of local land controls have failed in recent years. Regional planning agencies, some in effect since 1959, are coming under attack from conservatives, and some local units have withdrawn from the agencies, state officials say. The regional planning agencies are advisory only.

WYOMING

The Wyoming Conservation and Land Use Study Commission has drafted a proposed state land use planning act. Public hearings on the proposed act were completed in June and an interim report will be submitted to Gov. Stanley K. Hathaway in July. The final report will go to the legislature in November for consideration during the 1975 session.

• LAND USE POLICY. The proposed state land use planning act would create a permanent state land use commission to establish land use planning in the state. The commission would -- with assistance of a citizens' advisory committee -- develop statewide land use goals, policies, and guidelines; inventory resources; identify demographic and growth trends; identify critical areas and areas of more than local concern; and coordinate land use planning activities among state, local, and Federal agencies.

The proposed bill offers three alternatives for organizing the new commission: (1) create a new State Department of Land Use, (2) place the new commission in an existing department, (3) place the new commission in the governor's office.

Local governments would develop land use plans consistent with state guidelines. Each county would have its own land use commission to oversee development of plans. The state land use commission would impose plans for localities that fail to develop their own.

●POWER PLANT SITING. A state power plant siting bill was killed by the legislature in 1973.

●STRIP MINING. A bill was passed this year approving construction of a coal slurry line from Wyoming to Arkansas, subject to approval of the state engineer. The engineer must assess the feasibility of providing sufficient water to operate the slurry. Wyoming does not have as much of a problem with limited water resources as other western states, but deep wells must be drilled to get water for coal slurry.

A strip mine regulation law, passed in 1969, requires strip mine operators to obtain permits for indefinite duration, post a performance bond, and file a reclamation plan. The cost of reclamation is excluded from the performance bond if reclamation is done concurrently with mining. Revegetation is necessary only "where practical," and wastes must be graded to produce a "rolling topography."

●AGRICULTURAL LAND TAXATION. Wyoming enacted a preferential assessment law in 1973 which classifies agricultural land for taxation according to current use value and capacity in agricultural use.

●LOCAL LAND CONTROLS. Under the Joint Powers Act enacted this year local governments may undertake cooperative planning efforts. If local governments are willing, regulatory powers can be delegated to the bodies designated to administer joint programs.

Revenue from the Mineral Severance Tax Act enacted this year will be used to finance planning for boom-town growth expected to occur as strip mining operations increase. The act stems from concern over uncontrolled growth caused by new mining operations in Rock Spring, Wyo., that increased its population from 11,000 in 1970 to 26,000 now. Associated with the growth have been housing shortages, proliferation of mobile home parks, overloaded sewers leading to a housing construction moratorium, and subsidence of land over abandoned coal mines.

TABLE OF EXISTING AND PROPOSED STATE LAND USE POWERS

	<u>Land Use Policy</u>	<u>Coastal Zone Management</u>	<u>Power Plant Siting</u>	<u>Surface Mining</u>	<u>Agricultural Differential Assessment</u>
Alabama	None	Proposed	Enacted	Enacted	None
Alaska	Study	Proposed	Enacted	None	Enacted
Arizona	Study	N.A.	Enacted	None	None
Arkansas	Study	N.A.	Enacted	Enacted	Enacted
California	Proposed	Enacted	Enacted	None	Enacted
Colorado	Enacted	N.A.	Enacted	Enacted	Enacted
Connecticut	Proposed	Proposed	None	N.A.	Enacted
Delaware	Study	Enacted	Proposed	N.A.	Enacted
Florida	Enacted	Proposed	Enacted	N.A.	Enacted
Georgia	Proposed	Proposed	None	N.A.	None
Hawaii	Enacted	Enacted	Enacted	N.A.	Enacted
Idaho	Proposed	N.A.	None	Enacted	None
Illinois	Proposed	Proposed	None	Enacted	Enacted
Indiana	Proposed	None	Study	Enacted	Enacted
Iowa	Proposed	N.A.	None	None	Enacted
Kansas	Study	N.A.	None	Enacted	None
Kentucky	Study	N.A.	Enacted	Enacted	Enacted
Louisiana	Study	Proposed	None	N.A.	Enacted
Maine	Enacted	Enacted	Enacted	N.A.	Enacted
Maryland	Enacted	Proposed	Enacted	Enacted	Enacted
Massachusetts	Proposed	Proposed	Enacted	N.A.	Proposed
Michigan	Proposed	Proposed	None	N.A.	Enacted
Minnesota	Enacted	Proposed	Enacted	Study	Enacted
Mississippi	Study	Proposed	None	N.A.	None
Missouri	Study	N.A.	None	Enacted	None
Montana	Study	N.A.	None	Enacted	Enacted
Nebraska	Study	N.A.	Enacted	N.A.	Enacted
Nevada	Enacted	N.A.	Enacted	N.A.	Proposed
New Hampshire	Proposed	Proposed	Enacted	N.A.	Enacted
New Jersey	Study	Proposed	Proposed	N.A.	Enacted
New Mexico	Proposed	N.A.	Study	Enacted	Enacted
New York	*	Proposed	Enacted	Enacted	Enacted
North Carolina	Enacted	Enacted	Proposed	N.A.	None
North Dakota	Study	N.A.	Study	Enacted	Enacted
Ohio	Study	Proposed	Enacted	Enacted	Enacted
Oklahoma	Study	N.A.	None	Enacted	None
Oregon	Enacted	Proposed	Enacted	N.A.	Enacted
Pennsylvania	Study	Proposed	None	Enacted	Proposed
Rhode Island	Proposed	Proposed	None	N.A.	Enacted
South Carolina	Study	Proposed	None	Enacted	None

	<u>Land Use Policy</u>	<u>Coastal Zone Management</u>	<u>Power Plant Siting</u>	<u>Surface Mining</u>	<u>Agricultural Differential Assessment</u>
South Dakota	Study	N.A.	None	Enacted	Enacted
Tennessee	Study	N.A.	TVA Does	Enacted	None
Texas	Study	Proposed	Proposed	Study	Enacted
Utah	Enacted	N.A.	Study	None	Enacted
Vermont	Enacted	N.A.	Enacted	N.A.	Enacted
Virginia	Study	Proposed	None	Enacted	Enacted
Washington	Proposed	Enacted	Enacted	N.A.	Enacted
West Virginia	None	N.A.	None	Enacted	None
Wisconsin	Proposed	Proposed	Proposed	Enacted	Enacted
Wyoming	Proposed	N.A.	None	Enacted	Enacted

N.A.: Not Applicable.

Explanation of categories:

Study denotes that a full-scale committee appointed by the legislature, governor, or both is actively studying the matter.

Proposed denotes that legislation was submitted to a state legislature, except for Coastal Zone Management, where it means the state has applied for planning grants from the Federal CZM program.

Enacted denotes that the state has passed a law and is implementing it.

* New York has no legislative proposal for a statewide land use policy, but a number of other legislative initiatives give the state government broad authority over land use statewide.

